

# LICENSING COMMITTEE

Wednesday, 8th November, 2023  
6.30 pm





# LICENSING COMMITTEE

## ROOMS 2 & 3, BURNLEY TOWN HALL

Wednesday, 8th November, 2023 at 6.30 pm

Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of Legal & Democracy by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or at the Contact Centre, Parker Lane, Burnley or from the web at: [Request to Speak form](#). You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

### **AGENDA**

#### **1) Apologies**

To receive any apologies for absence.

#### **2) Minutes**

5 - 6

To approve as a correct record the Minutes of the last meeting, held on 21<sup>st</sup> June 2023.

#### **3) Additional Items of Business**

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.

#### **4) Declaration of Interest**

To receive any declarations of interest.

#### **5) Exclusion of the Public**

To determine during which items, if any, the public are to be excluded from the meeting.

**6) Public Question Time**

To consider questions, statements or petitions from members of the public.

**7) Taxi Licence Fees 2024**

7 - 10

To determine the level of taxi licence fees effective from January 2024.

**8) Hackney Carriage & Private Hire Licensing Policy**

11 - 234

To refresh the Hackney Carriage & Private Hire Licensing Policy:-

Covering Report,  
Appendix A – Hackney Carriage and Private Hire Licensing Policy - Draft  
November 2023  
Appendix B – Hackney Carriage and Private Hire Licensing Policy -  
March 2023.

**MEMBERSHIP OF COMMITTEE**

Councillor Mohammed Ishtiaq (Chair)  
Councillor Alun Lewis (Vice-Chair)  
Councillor Howard Baker  
Councillor Charlie Briggs  
Councillor Scott Cunliffe  
Councillor Shah Hussain  
Councillor Jacqueline Inckle  
Councillor Karen Ingham

Councillor Nussrat Kazmi  
Councillor Anne Kelly  
Councillor Jack Launer  
Councillor Sehrish Lone  
Councillor Asif Raja  
Councillor Mark Townsend  
Councillor Don Whitaker

**PUBLISHED**

Tuesday, 31 October 2023

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## LICENSING COMMITTEE

BURNLEY TOWN HALL

Wednesday, 21st June, 2023 at 6.30 pm

### PRESENT

### MEMBERS

Councillors M Ishtiaq (Chair), A Lewis (Vice-Chair), S Cunliffe, S Hussain, J Inckle, K Ingham, N Kazmi, S Lone, M Townsend and D Whitaker

### OFFICERS

Joanne Swift	– Head of Streetscene
Catherine Waudby	– Head of Legal and Democratic Services
Alison McEwan	– Democracy Officer

#### 17. Apologies

Apologies were received from Cllrs Launer, Raja and Wight.

*(Subsequent apologies were received from Cllr Kelly due to another meeting overrunning)*

#### 18. Minutes

The minutes of the previous meeting were agreed as a correct record and signed by the chair.

#### 19. Appointment to sub-committees 2023-24

It was RESOLVED to appoint all members of the committee to a Licensing Act sub-committee and also to a Taxi Licensing sub-committee as set out in the report.

#### 20. Amendment to Statement of Licensing Policy in respect of Delegated Functions

In discussing the report there were some queries around the delegations in Appendix 2.

It was explained that the relevant objectors had come from the Statutory Guidance. In relation to applications for personal licences the guidance sets out the following at Para 4.53,

*'4.53 Where an applicant has an unspent conviction for a relevant or foreign offence, and the police object to the application on crime prevention grounds the applicant is entitled to a hearing before the licensing authority. The applicant is also entitled to a hearing if the Home Office (Immigration Enforcement) object to the application on the grounds of the prevention of illegal working where the applicant has an unspent conviction for a relevant immigration offence or has been required to pay an immigration penalty. If the police or Home Office (Immigration Enforcement) do not issue an objection notice and the application otherwise meets the requirements of the 2003 Act, the licensing authority must grant it. Home Office (Immigration Enforcement) can object only with respect to convictions and civil immigration penalties received on or after 6 April 2017.'*

With regard to decisions around 'irrelevant, vexatious or frivolous' representations, the recommendation in the guidance is that the decision should be delegated to officers for the reasons set out below in the guidance at Paras 9.8/9.9;

*'9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.'*

*9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.*

Following the debate, it was duly RESOLVED to recommend Full Council approve the amendments to Appendix A of the Council's Statement of Licensing Policy in line with Appendix 2 of this report.

## REPORT TO LICENSING COMMITTEE



<b>DATE</b>	8th November 2023
<b>PORTFOLIO</b>	Community & Environment
<b>REPORT AUTHOR</b>	Joanne Swift
<b>TEL NO</b>	01282 425011
<b>EMAIL</b>	jswift@burnley.gov.uk

## Taxi Licence Fees 2024

### PURPOSE

1. To determine the level of taxi licence fees effective from January 2024.

### RECOMMENDATION

2. To propose that taxi fees remain unchanged for 2024, and agree that costs incurred by the 6 monthly DBS update service checks through the year be built into next year's full review of fees, **OR**

To increase the fee for Private Hire and Hackney Driver licences by £15, effective from Jan 2024, to cover the cost of the 6 monthly DBS update service checks required in years 2 & 3 of the licence.

### REASONS FOR RECOMMENDATION

3. Taxi fees are set to recover those costs which are permitted by legislation from the holders of taxi licences. The costs include issuing and administering all taxi licences, together with the costs of supervision and control of vehicle and operator licences, and the costs of inspection and provision of hackney ranks.

### SUMMARY OF KEY POINTS

4. Taxi licence fee setting is a function of the Licensing Committee. Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 permit the Council to set driver, vehicle and operator licence fees to recover certain specified costs. The effect of the legislation is that the service must not generate a profit to the Council. There are some costs which cannot legally be recovered from fees and other costs that the Council chooses not pass to on via fees eg Democracy costs. Those costs are borne by the Council's general fund.

5. Whenever it is proposed to vary vehicle and operator fees so that the fees exceed £25, the legislation requires that a 28 day public notice of the proposed fee must be advertised. No advertisement is required for driver fees. As no variation to vehicle or operator fees is proposed at this time, no advertisement costs will be incurred.
6. In Burnley the vehicle test element is payable direct to one of the testing stations approved to carry out taxi testing, each testing station sets their own charges within a competitive marketplace. Pre-application training and assessment charges are also paid directly to the provider including initial DBS costs (which include the first year of DBS update service checks), safeguarding courses and medical checks. Other business overheads eg insurance, fuel & PDA rental are outside of the control of the Council.
7. In 2015 a framework methodology was agreed with the trade to recover appropriate costs from each regime via fees. It was agreed that there would be a full review of fees every three years, to correspond with the duration of a driver licence, and that a light touch review would take place each year so that any significant shifts in expenditure could be accommodated. This year is the second in the three-year cycle, so no increase is required at this time unless there is a compelling reason to do so.
8. A review of the income and expenditure with Finance colleagues shows the budget to be broadly in line with Q1 and Q2 expectations at the time of writing this report. However, a new expense will be introduced into the budget this year because 6 monthly DBS update service checks must be completed for drivers in line with the statutory standards. These checks highlight any change in the driver's convictions since the DBS certificate was issued when the licence was first granted. Driver licences usually run for three years, and whilst the first year of electronic checks is included within the fee, those in the second and third year have to be paid for by the Council. The annual cost of these checks is £7.50, so the cost to the Council for 2 years is £15. The options are to build the cost that accrues from these checks into the full fee review due next year, to set fees for 2025 onwards, or increase driver licence fees by £15 now, effective from Jan 2024.

## **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

9. Fees seek to recover permitted costs in accordance with the Council's taxi fee policy.

## **POLICY IMPLICATIONS**

10. None.

## **DETAILS OF CONSULTATION**

11. Taxi Task Group
12. Councillors Ishtiaq, Lewis and Khan



**BACKGROUND PAPERS**

13. None

**FURTHER INFORMATION**

**PLEASE CONTACT:**

**Joanne Swift**

**ALSO:**

**Karen Davies**

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## REPORT TO LICENSING COMMITTEE



<b>DATE</b>	<b>8<sup>th</sup> November 2023</b>
<b>PORTFOLIO</b>	<b>Community &amp; Environment</b>
<b>REPORT AUTHOR</b>	<b>Karen Davies</b>
<b>TEL NO</b>	<b>01282 425011</b>
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### Hackney Carriage & Private Hire Licensing Policy

#### PURPOSE

1. To refresh the Hackney Carriage & Private Hire Licensing Policy.

#### RECOMMENDATION

2. That the Licensing Committee consider the revisions to the Hackney Carriage and Private Hire Licensing Policy document, as outlined at Appendix A, and approves the amended policy for immediate implementation (other than as indicated below)  
In particular Committee specifically approve the following new local requirements:
  - A new requirement to refuse licences where vehicles are subject to manufacturer recall or have no MOT in place (to be implemented from 1<sup>st</sup> December 2023).
  - A new requirement preventing surrender of driver licences (immediate implementation).
  - A new requirement to have CCTV at public booking offices (to be applicable at next application/renewal).
  - Age limits for vehicles meeting vehicle safety and clean emission standards (to be implemented from 1<sup>st</sup> December 2023).

#### REASONS FOR RECOMMENDATION

3. The DfT - Statutory Taxi & Private Hire Vehicle Standards recommends all local authorities to make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards. The primary and overriding objective must be to protect the public.

#### SUMMARY OF KEY POINTS

4. The consolidated Policy document was first introduced in November 2022 to reflect The DfT - Statutory Taxi & Private Hire Vehicle Standards. The current version is provided at Appendix B. It is intended to be a document that is kept up to date and relevant.
5. The proposed amendments reflect issues that have arisen since it was introduced. Reasons for change vary from making the document more relevant to drivers by explaining legal requirements, to introducing new local requirements that apply to the licence or process. Changes are summarised as follows:
  - Insertion of email address at various points to facilitate contact or reporting by licence-holders
  - Insertion of website links to assist with sharing information
  - Where driver licences are suspended new legislation requires that they must now be added onto NR3S (p6)
  - Explanation of Fitness and Propriety Test for Vehicle Owners (p8)
  - Information regarding MOT requirements and vehicle recall checks (p11)
  - Reminder re moving on to rank (p12)
  - Inclusion of advice for carrying children (p13)
  - Additional information regarding fitness and propriety of drivers (p14)
  - Additional information regarding safeguarding (p17)
  - Inclusion of driver requirements for carriage of assistance dogs (p19)
  - Inclusion of driver requirements for carriage of disabled persons (p19)
  - Explanation regarding use of driver conditions (p20)
  - New requirement preventing surrender of driver licences (p21)
  - Explanation of Operator fitness and propriety test (p21)
  - Inclusion of operator requirements for carriage of disabled persons (p22)
  - Inclusion of operator requirements for carriage of assistance dogs (p22)
  - Inclusion of advice regarding training of operator staff (p23)
  - Advice re DBS requirements for operators and their employees (p24)
  - CCTV requirement at booking offices (p24)
  - Appendix 5 vehicle age limits (increase in line with exceptional conditions) (p53/54)
  - Appendix 9 Hackney Carriage Stands to be updated following an ongoing review of ranks with Lancashire County Council. This must reflect the location of legally designated hackney stands and will be updated by officers from time to time.(p58)
  - Use of Body Worn Cameras by enforcement officers (p116)
6. In relation to new local requirements:
 

Recall & MOT: There is currently no check on a vehicle's MOT or manufacturer recall status on application, instead there is a reliance on the compliance test. As an additional safeguard for the driver and passengers, it is proposed to ensure both are in order before a licence is issued. To be implemented from 1<sup>st</sup> December 2023.
7. Surrender: Drivers whose licences are refused, revoked or suspended are now registered on a national database (NR3S) which all licensing authorities have access to. This prevents a driver moving on to another authority and failing to declare the revocation etc. Drivers are able to avoid this by surrendering a licence before the licensing authority becomes aware of a complaint or police investigation etc, thereby preventing a licence review. The new requirement seeks to prevent surrender so that appropriate action and safeguards are always available to the licensing authority
8. Operator CCTV: The investigation of complaints relating to incidents at booking/satellite offices is often hampered by a lack of evidence. Costs for CCTV systems have come down and smaller operators have been merged into larger business operations which makes provision of CCTV a proportionate safeguarding measure for staff and customers.

9. Vehicle Age limits: In the current economic climate, the trade have requested that vehicle age limits are increased. The reason for this is two-fold; to extend the life of a licensed vehicle on the Burnley fleet and to bring Burnley's age-limits closer to those of neighbouring authorities. Whilst large MPVs, minibuses and wheelchair accessible vehicles have higher age limits, the fleet comprises predominantly saloon cars. For comparison saloon private hire vehicle upper age limits in neighbouring authorities are as follows –
- Burnley: 8 years
  - Pendle: Up to 12 years, or up to 15 years for Euro 6, electric or wheelchair accessible vehicles
  - Hyndburn: under review in relation to frequency of compliance tests for vehicles, but no upper age limit now, or proposed.
  - Rossendale: 10 years

This disparity means that at 8 years old (our current upper age limit, (and also the Euro 6 standard) small private hire vehicles and their drivers move from the Burnley fleet to be licensed by another authority, but continue to work via the same operator, who has operator licenses with multiple authorities. Then, as is allowed, the vehicles & their drivers are sub-contracted so that they continue to predominantly work in Burnley. This is compounded by many more, often much older, vehicles licensed by neighbouring Boroughs also being sub-contracted to work in Burnley. So, residents and visitors to the town are subject to emissions that exceed those permitted on our own fleet, are carried in vehicles that are not subject to our own safety standards, by drivers not regulated by ourselves. As Burnley Licensing Officers have no powers in respect of out of town licences, there is a clear justification for considering the changes to policy proposals that would help to retain vehicles on the fleet and within Burnley's control.

Engagement with licence-holders confirms that age-limits are a significant factor in applicants seeking licences with neighbouring authorities, alongside other factors including Burnley's sanctions being perceived as stricter than those of our neighbours.

In taking on board those comments, officers are mindful that existing fleet vehicles are predominantly diesel, and so an increase in age limits may conflict with the Council's climate change/local air quality ambitions to transition to zero emission vehicles and reduce emissions. The age limit proposals have therefore been drafted to try to bridge these opposing issues across all vehicle types, ie supporting licence-holders by extending the period a vehicle can remain on the fleet.

Two Exceptional Conditions are proposed (EC1 & EC2). EC1 predominantly deals with vehicle safety, but also requires Euro 6 compliance for all saloon, estate and small MPV private hire vehicles. EC2 with emissions. The new proposals require any new vehicle coming onto the fleet to be less than 8 years old, and therefore meet the Euro 6 standard. Taken together the exceptional conditions provide owners with an opportunity to retain vehicles on the fleet for longer. In order to generate some momentum in a shift to cleaner vehicles over the next 5 years, the exceptional condition relating to emissions changes in 2029 to remove non-plug-in hybrid vehicles.

If approved, the proposal will be implemented from 1<sup>st</sup> December 2023 to give time for internal procedures to be revised and training to be completed. Any small private hire vehicles reaching 8 years old in the period between the decision and 30<sup>th</sup> November will be renewed by exception provided EC1 is met.

9. As Licensing Committee agree future changes or amendments, the Policy document will be updated accordingly.

A copy of the proposed Policy is available at Appendix A. All changes are highlighted yellow.

## FINANCIAL IMPLICATIONS AND BUDGET PROVISION

6. None

## POLICY IMPLICATIONS

7. The recommendation refreshes the stand-alone Hackney Carriage & Private Hire Licensing Policy document.

## DETAILS OF CONSULTATION

8. Taxi Task Gp will discuss proposals on 2<sup>nd</sup> Nov 2023.  
Scrutiny Climate Change Group Members  
Councillors Ishtiaq, Lewis and Khan

## BACKGROUND PAPERS

9. [Statutory & Best Practice Guidance for taxi and PHV licensing authorities \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

## FURTHER INFORMATION

PLEASE CONTACT:

**Karen Davies**

ALSO:

**Michelle Coogan**



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**APPENDIX A**

# **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

**(Draft Nov 2023)**

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## 1. INTRODUCTION

Burnley Borough Council is responsible for the regulation of the Hackney Carriage and Private Hire trades within the Borough.

The Town Police Clauses Act 1847 regulates the licensing of Hackney Carriages and for Private Hire (outside London) The Local Government (Miscellaneous Provisions) Act 1976, as amended ('the 1976 Act') gives Burnley Borough Council ('The Council'), as the Licensing Authority, the duty to carry out its licensing functions in respect of the hackney carriage and private hire trades ("taxi trade").

This policy sets out the application requirements and standards that must be met by the Hackney Carriage and Private Hire trade licensed by Burnley Borough Council. When carrying out its regulatory functions, the Council will have regard to this policy. Each application or enforcement measure will be considered on its own merits however where it is necessary to depart substantially from the policy, clear and compelling reasons will be given.

Applicants for licences are particularly encouraged to read the contents carefully.

This policy will be used by officers of the Authority and Councillors to provide a framework against which decisions are made in respect of Licencing matters. It will be used to determine whether applications are valid, and if so, assist in determining whether those applications should be granted or refused and whether existing licences should be reviewed. It will also be used to determine whether any and, if so, what form of enforcement action should be taken against licence holders, and none licence holders.

The Council will keep this policy under review and will, where appropriate, consult on any proposed revisions.

This policy supersedes all existing policies in relation to Hackney Carriage and Private Hire licensing.

## 2. OBJECTIVES

Hackney carriages and private hire vehicles play a vital role within an integrated transport system. They provide services in situations where other forms of transport are either not available (rural areas and the late-night economy) or for persons with mobility difficulties. The Authority shall seek to promote the following objectives:

- Public Safety
- Safeguarding of children and vulnerable adults
- The prevention of crime and disorder

- The safety, health and welfare of drivers
- Vehicle safety, comfort, and access
- Provision of a quality service to the public

The Council aims to ensure that the Hackney Carriage and Private Hire services offered within the Borough are of the highest standard. **It is the Authority's wish to facilitate well-run and responsible businesses, which display sensitivity to the expectations and needs of the public.** Application and enforcement procedures are designed to ensure these standards are maintained, monitored for compliance, and appropriately enforced where necessary.

This policy assists the Council in fulfilling its duties under the Children Act 2004 to make arrangements to ensure that its functions are discharged having regard to the need to safeguard and promote the welfare of children.

### 3. GENERAL MATTERS

#### 3.1 Delegations

Part 3 of the Council's Constitution details the Scheme of delegation for Taxi Licensing functions. The Licensing Committee has the authority to discharge non-executive regulatory functions with respect to Hackney Carriage and Private Hire licensing. The Taxi Sub-Committee is further delegated to determine specified applications, suspensions, and revocations.

The Head of Legal and Democratic Services has delegated powers to grant licences in line with policy, and further delegations in specific circumstances to refuse, suspend and revoke licences. These delegations can be further delegated to authorised officers.

#### 3.2 Partnership Working

The Council will work in partnership with the following agencies to promote the policy objectives: -

- Local Hackney Carriage and Private Hire trades
- Private Hire and Hackney Carriage trade associations
- Lancashire Constabulary
- Local residents
- Driver and Vehicle Standards Agency (formally VOSA)

- DVLA
- HM Revenues and Customs
- UK Border Agency
- Lancashire County Council
- Other licensing authorities

### 3.3 Sharing Information

The Licensing Service will lawfully share with other departments or regulatory bodies information supplied by applicants or acquired while exercising licensing functions, where this is necessary for the detection or prevention of crime, or required by law, or in connection with legal proceedings. Where applicable, it will be via information sharing protocol. Personal information will only be disclosed in accordance with Data Protection legislation.

#### **National Register of Taxi/Private Hire Licence Refusals, Revocations & Suspensions (NR3).**

The Licensing Authority provides information to the [National Register of Taxi Licence Refusals and Revocations \(NR3\)](#), a mechanism for licensing authorities to share details of individuals who have had a Hackney/ Private Hire drivers licence revoked or **suspended** or an application refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a Hackney/Private Hire driver's licence. Information is shared in accordance with the policy at Appendix 24

Where a Hackney/ Private Hire Drivers Licence is revoked or **suspended**, or an application for one refused, the authority will automatically record this decision on NR3.

All applications for a new licence or a licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application. The information recorded on NR3 itself will be limited to:

- Name
- Date of birth
- Addresses and contact details

- National insurance number
- Driving licence number
- Decision taken
- The date of the decision
- The date the decision was effective from

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for and or being granted a Hackney/ Private Hire Drivers Licence. Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authorities statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

Any person wishing to raise an issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer, The Town Hall, Manchester Road, Burnley BB11 9SY. This includes submitting a subject access request form. Please visit our [website](#) for the most up to date link.

Complaints can be made to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

### **3.4 Enforcement**

Licensing officers will monitor compliance by a number of methods including inspections and visits, targeted interventions, use of town centre CCTV, and complaint investigations.

Any enforcement will be undertaken in accordance with the [Enforcement Protocol](#).

### **3.5 Applications**

Applications must be submitted to include evidence that all pre-application requirements are met. Incomplete applications will not be accepted.

It is important that applications are submitted in good time to avoid any licence due to expire lapsing before it is determined.

### 3.6 Appeals

Where Burnley Borough Council decide to refuse, suspend or revoke a licence a notice giving reasons for the decision will be provided as soon as possible and in any event within 14 days of the decision.

In these circumstances, there is a right of appeal to the Magistrates' Court within 21 days of the decision being notified.

## 4. VEHICLES

The Council has differing vehicle specifications for Hackney Carriage vehicles, and Private Hire vehicles, including adapted Private Hire vehicles **to be able to carry wheelchairs**.

As with driver and operator licensing requirements, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched and hired are above all else, safe. The vehicle licence holder must ensure that the vehicle is always maintained to an acceptable standard, and they must also ensure that the vehicle is not used for illegal or illicit purpose. The Authority will only issue vehicle licences to persons it considers safe and suitable to hold such licences, as such it will have regard to the conduct of the licence holder.

Although some vehicle licence holders may not drive their licensed vehicle (and if they are they will be subject to their own fitness and proprietary test to obtain a driver's licence) they clearly have an interest in the use of the vehicle. They will be responsible for the maintenance of the vehicle and vehicles that are not properly maintained have a clear impact on public safety. Licensed vehicles are used to transport people in many circumstances and are seen everywhere across the UK at all times of the day and night in any location. Therefore, they could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.

This Authority will use the following test in considering the fitness and propriety of an applicant for a vehicle licence:

“Without prejudice, and based on the information before you, would you allow this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence.”



If on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence. Applicants or licence holders will not be given the benefit of doubt. It is useful to note that the threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and the Authority can take into consideration, conduct that has not resulted in a criminal conviction.

Applicants are required to produce an enhanced DBS certificate. If you are applying for a drivers licence in conjunction with a vehicle licence, you will need to subscribe to the DBS update service. An authorised officer of the Authority will consider it against the Authority's' Guidelines and the information together with any other relevant information from the applicant and other agencies will be considered when the application is determined.

Vehicles for 9 or more passengers require PSV licence [PSV \(Public Service Vehicle\) operator licences: Overview - GOV.UK \(www.gov.uk\)](#)

#### 4.1 Private Hire Vehicles

Private Hire vehicles are licensed to carry a specified number of passengers, up to a maximum of 8 passengers. They must be booked in advance by the customer, in person or via telephone or their app and cannot be hailed in the street or stand at a rank.

All Private Hire vehicles licences issued by the Council are subject to [Private Hire Vehicle Licence Conditions](#)

[Guidance on how to apply for a Private Hire Vehicle licence,](#)

#### 4.2 Hackney Carriages

Hackney Carriage vehicles are licensed to carry a specified number of passengers, up to a maximum of 8 passengers.

Hackney Carriage vehicles may be used to ply for hire in the street, at ranks or stands and may take bookings over the telephone or via the company's on-line App.

Only certain vehicle types are permitted on the fleet. Before a vehicle type is approved the manufacturer must first satisfy the Council that the vehicle meets the criteria set out in the [Hackney Carriage Conditions of Fitness](#) (CoF).

- All Hackney Carriages must be purpose built, wheelchair accessible taxis.
- All Hackney Carriages must be black in colour.

Hackney Carriage Vehicles issued by the Council are subject to the Hackney Carriage Conditions and the [Hackney Carriage Bye-Laws](#).

[Guidance on how to apply for a vehicle licence](#).

#### **4.3 Exemptions from Control**

The 1976 Act exempt the following vehicles from control under the Act:

- Vehicles while being used in conjunction with a funeral or used wholly or mainly for the purpose of funerals by a funeral director and
- Vehicles while being used in connection with a wedding

#### **4.4 Limitations of Numbers**

Burnley Borough Council does not limit the number of Hackney Carriages licensed.

No powers exist for licensing authorities to limit the number of Private Hire vehicles they licence.

#### **4.5 Vehicle Age Limits**

Burnley Council has set [age limits](#) for Hackney Carriages and Private Hire vehicles it will licence.

#### **4.6 Duration of Vehicle Licences**

Hackney Carriage and Private Hire vehicle licences will be issued for a period of four months with all vehicles inspected 3 times a year at renewal. **NB This compliance test is not a substitute for an annual MOT. The absence of an MOT certificate is an offence and can invalidate insurance.**

A test will be carried out at one of the Council's [approved testing stations](#).

In addition to the standard MOT requirements, the Council must also be satisfied that any vehicle licensed is safe and fit for purpose. All vehicles must therefore comply with the Council's [Supplementary Testing Manual](#).

The test can be undertaken up to 28 days prior to the expiry of the existing licence. All the relevant original documents i.e. vehicle licence application form signed and stamped by the proprietor/operator, compliance certificate, insurance document, V5 Registration document, DBS certificate (where applicable) must be presented together with confirmation of licence fee payment. Photocopies or images of documents will not be accepted.

On application and renewal, MOT status will be verified and vehicles will be checked for manufacturing recalls using <https://www.gov.uk/check-mot-history>. Vehicles will need to have a current MOT and had any recall issues rectified before a licence is issued.

#### **4.7 Individual Vehicle Approval (IVA)**

To be satisfied of the safety of vehicles which have been converted after registration an Individual Vehicle Approval will be required.

The vehicles which require approval, are those defined as an N1 category – a van or minibus on the V5 document. Once the vehicle is registered, if there are any alterations to modify a van to a passenger vehicle (M1 category), then IVA approval needs to be submitted at the time of application.

For further information on how to obtain a certificate please visit:  
<https://www.gov.uk/vehicle-approval/individual-vehicle-approval>

#### **4.8 Insurance**

Hackney Carriage and Private Hire vehicle proprietors must ensure that [appropriate insurance](#) is always in force whilst the vehicle is licensed. Any failure to ensure that a vehicle is not adequately insured for public hire/private hire will result in the immediate suspension of the vehicle licence.

#### **4.9 Passenger Numbers**

Hackney Carriage and Private Hire licences will normally be issued for the carriage of between 4 and 8 passengers in reasonable comfort and have not less than three doors through which passengers may enter and leave the vehicle conveniently, safely, and comfortably. In addition, there must be accommodation for luggage. Passenger numbers must not be exceeded under any circumstances.

#### **4.10 Hackney Carriage Ranks**

The Council has provided several designated [Hackney Carriage ranks](#) throughout the Borough. Drivers must not leave a vehicle unattended on a rank at any time. **If a rank is full, drivers must move to an available rank.**

#### 4.11 Fares

The Council is responsible for setting the Hackney Carriage tariff which is a table of the maximum fares that may be charged for a journey. Consideration for varying the Table of Fares will be given on a request received from the trade. Each Hackney Carriage must have its taximeter calibrated to the current tariff and in addition must display the [table of fares](#) provided by the Council where it can easily be read by a passenger.

The Council has no ability to control the fares charged by the Private Hire trade and it is for the hirer to negotiate an appropriate fee or method of charging for each journey.

#### 4.12 Taximeters

All Hackney Carriages must be fitted with a taximeter which is sealed and maintained as to comply with the Hackney Carriage licence conditions. A private Hire vehicle may be fitted with a taximeter, and it should be so constructed, attached and maintained as to comply with the Private Hire vehicle licence conditions.

#### 4.13 Accident and Hire Car Procedure

Should a licensed Hackney Carriage or Private Hire vehicle be involved in an accident, the details must be reported **in writing or via email** to the Council within 72 hours of the accident taking place.

An accident report form must be completed with details of the accident **and emailed to [licensing@burnley.gov.uk](mailto:licensing@burnley.gov.uk) with supporting photos. We may require to view the vehicle to assess the extent of the damage.** <https://burnley.gov.uk/wp-content/uploads/2023/09/Report-an-Accident-form-2023.pdf>

If the vehicle remains unfit for purpose on the expiry of a 2-month period, the vehicle licence will be automatically revoked.

The suspension notice will indicate whether the vehicle requires a full retest or not for the suspension to be lifted.

If a full retest is required, the vehicle should be inspected at one of the Council [authorised testing stations](#).

If a full retest is not required, an appointment should be made with an authorised officer of the Licensing Team for the vehicle to be made available for inspection.

The licence vehicle plate(s) must be returned to the Licensing Service during the period of suspension.

#### 4.14 Carriage of Children

It is not always possible for the correct child seat or booster to be available in a licensed vehicle. In the case of private hire bookings, the hirer is advised to clarify at the time of making the booking whether suitable child seats will be available in the vehicle and if not will be expected to make their own provision regarding child car seats.

The Highway Code, road safety and vehicle rules allow children to travel in hackney carriages or private hire vehicles without using a suitable car seat, but the following restrictions apply:

- Under 3's may travel unrestrained, but in the rear only
- Those 3 years and above must use an adult belt in the rear seat only
- A child up to 135cms in a front seat of any vehicle must use the correct child seat or booster
- The driver of the vehicle is responsible for seat belt wearing by children under 14 years (except in vehicles with fixed partitions)
- Rear-facing baby seats must not be used in a seat protected by a frontal air bag unless the airbag has been deactivated manually or automatically
- Drivers are expected to comply with the highway code requirements and where passengers refuse to comply with seat belt requirements this is a legitimate reason for the driver to refuse to carry the passenger

## 5. HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS

It is an offence to drive a Hackney Carriage or Private Hire vehicle without the appropriate licence. Before granting a licence, the individual must satisfy the Licensing Authority that they are a fit and proper person to hold such a licence. The assessment of fitness and propriety on application is based on the information provided in the application process.

This Authority will use the following test in considering the fitness and propriety of an applicant for a licence:

Without prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle

driven by this person at any time of day or night?

If on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence. Applicants or licence holders will not be given the benefit of doubt. It is useful to note that the threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and the Authority can take into consideration, conduct that has not resulted in a criminal conviction.

The Authority is not fettered in its discretion as to what can be taken into consideration regarding the "fit and proper" test but routinely considers a person's conduct, knowledge, and awareness of issues relevant to the role of a licensed driver and medical suitability.

Driver behaviour, any change in circumstances or information coming to light after a licence is granted may result in a formal review of the licence.

### **5.1 Duration of Driver's Licences**

Private Hire and Hackney Carriage Driver Licences are normally issued for a period of three years, with one-year licences available in special circumstances.

### **5.2 Entitlement to Drive in the UK**

Applicants must be 21 years of age and have held a valid, full GB driving licence for a minimum of 12 months immediately before making their application.

Applicants can be considered from Individuals who hold a full non-GB driving licence. However, this will depend on their eligibility to drive in Great Britain. The following link provides information in relation to this:

[Driving in Great Britain on a non-GB licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/driving-in-great-britain-on-a-non-gb-licence)

All applicants are required to authorise the Council to undertake checks with the DVLA to verify the existence of any motoring convictions and restrictions on their licence.

### **5.3 Right to Work in the UK**

All applicants must have the [right to work](#) in the UK. Verifications of this right will be undertaken by the Licensing Team with the UK Border Agency where appropriate before a hackney carriage or private hire driver's licence is granted.

### **5.4 HMRC check**

Any driver renewing a licence or applying in Burnley after holding a licence with another authority, must provide a [HMRC code](#) which must be verified by the Licensing Authority. Any driver new to the trade must sign to indicate they are aware of the tax requirements.

### **5.5 Disclosure and Barring Service Checks (DBS)**

Safeguarding of children and vulnerable adults is a primary goal of the Council. We need to ensure drivers are fit and proper people to hold licences.

Applicants for a Hackney Carriage or Private Hire driver licence are required to provide an enhanced DBS certificate obtained on-line through TaxiPlus, and have registered for the DBS Update Service, via the DBS Update Service link. [DBS Checks for Taxi Drivers — TaxiPlus](#)

Enhanced disclosure certificates made through other organisations will not be accepted.

A licence will not be issued or renewed unless there is a valid DBS check in place together with confirmation of subscription to the DBS update service. It is a mandatory requirement for drivers to sign up to the DBS Update Service and consent to the Licensing Authority conducting DBS status checks as to whether there has been any change to their status since the last disclosure certificate was issued. A licence will not be renewed unless a check for a change in status has been carried out. Licensees are expected to maintain this registration and nomination throughout the duration of their licence.

More information about the DBS can be found here:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

<https://www.gov.uk/government/publications/dbs-update-service-applicant-guide>

The Rehabilitation of Offenders Act 1974 does not apply to applicants for a Hackney Carriage or Private Hire driver licences and applicants are required to disclose all convictions, cautions and motoring offences, including those that would normally be regarded as spent.

Any convictions etc will be considered alongside the Council's [Convictions Policy](#).

Where an applicant has convictions that fall outside of policy requirements a licence will normally be refused. Likewise, licenced drivers may have their licence reviewed where investigations, charges or convictions relating to relevant offences come to light. This may include referral to the Taxi Licensing Sub Committee.

**To declare a conviction, please visit complete the [Driver Offence Declaration Form \(burnley.gov.uk\)](#)**

**Certificate of Good Conduct** - Where an applicant has previously spent an extended period (3 or more continuous months) living and working outside the UK, Licensing Authorities may require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process as to whether an applicant is a fit and proper person to hold a licence.

A Certificate of Good Conduct can be obtained from the Embassy/High Commission in the country or countries in which the applicant has resided. This document must be a certified translation if the original Embassy Certificate is not in English. The document must also be current - within 3 months of the date of issue.

It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case is considered on its own merits.

However, it should be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more.

For information on applying for overseas criminal record information or 'Certificates of Good Character', please use the following link:

[Criminal records checks for overseas applicants - GOV.UK \(www.gov.uk\)](#)

Note: Asylum seekers who hold Home Office issued application registration documents, together with a verification letter from the Home Office's Employer Checking Service stating that the named individual is permitted to work in the UK, will be exempt from the requirement to submit a Certificate of Good Conduct.

## **5.6 Safeguarding and Child Sexual Exploitation (CSE) Training**

The Council recognises that licensed drivers are an integral part of modern life and as such play an important role in providing a safe means of transport to all members of society.



Safeguarding is at the heart of this Policy. Procedures and practices including licence conditions and enforcement reflect the importance of safeguarding and will seek to promote the welfare of children, vulnerable people, passengers in general and licensed drivers.

Safeguarding is everyone's responsibility, any licence holder who receives information or has concerns regarding a safeguarding matter is expected to notify the Authority's licensing services team. Private hire operator licence conditions have been strengthened to require operators to review complaints and develop and implement their own safeguarding policies.

Your role within our communities' places you direct daily contact with some of the most vulnerable members of our society and as such you are ideally placed to assist all those agencies who have a statutory responsibility to safeguard vulnerable people.

To recognise the signs of Safeguarding concerns and to be able to report suspicious behaviour appropriately, all applicants for a hackney carriage or private hire driver's licence shall have completed safeguarding awareness training. A fee is payable to undertake the training. It is a mandatory pre-licence application requirement for new applicants and existing drivers at renewal to have completed the on-line training prior to the submitting a licence application.

Safeguarding issues are tested via the Safer Cabbying assessment.

Failure to complete the course will result in an application being rejected.

### **5.7 Safer Cabbying assessment**

All applicants will be required to pass a 'Safer Cabbying assessment' before being an application is accepted. The Council has dedicated web-pages to assist with revision materials [Safer Cabbying - burnley.gov.uk](https://www.burnley.gov.uk)

A fee is payable to undertake the test, or retest. Any applicant who does not attend the test the fee is non- refundable.

The topics in the test include:

- Safeguarding of children and vulnerable persons
- Vehicle maintenance checks
- Customer care & driver behaviour
- Disability Awareness
- The Law and Conditions that apply to taxis.

- Local knowledge of routes
- English Language

A pass standard is required before applicants can apply for a licence. It is recommended that the Safeguarding course is completed prior to taking the Safer Cabbying test.

### **5.8 Medical Fitness**

The Council recognises that licensed drivers should meet more stringent medical standards than is expected of people who drive a vehicle for social, domestic and pleasure purposes. Licensed drivers are entrusted with the safety of the travelling public and may drive for much longer hours than non-professional drivers. To this end the Council requires all licensed drivers to meet the Group 2 medical standard used by the DVLA when licensing HGV and Public Service Vehicle (PSV) drivers.

Medical certificates, completed by the driver's own GP are required on first application, every 3 years and then annually once the driver reaches the age of 65. Where a driver develops a medical condition, they will be requested to visit their General Practitioner who will assess their fitness to drive the general public. Should they not be able to drive the public after visiting their GP then their private hire or hackney carriage licence must be surrendered to the Council.

Where there is doubt as to the medical fitness of a licensed driver, including circumstances where a medical certificate has expired, the Licensing Authority reserves the right to suspend the driver's licence until such time as it can be satisfied that the driver is fit. No applicant will be issued a licence until medical fitness has been established.

The applicant's own GP should complete the Burnley Borough Council medical form. Where a GP is not providing this service to patients, an agency Doctor registered with the GMC and qualified to conduct Group 2 medicals can be used.

Driver licences expire on the day that the medical certificate expires. It is therefore important to have a medical as close as possible to the date the application is submitted.

### **5.9 Carriage of Assistance Dogs**

Drivers of Hackney Carriages & Private Hire Vehicles are under a duty to carry any guide, hearing or certain other assistance dogs in their vehicles. They cannot charge extra for this. Dogs should stay on the floor of the taxi and under control at all times.

If a taxi operator/depot fails or refuses to accept a booking, they will be committing an offence and could be fined up to £1,000.

A driver who refuses to carry a dog, or makes a charge for doing so, is guilty of an offence and could be fined up to £1,000.

Drivers who have a medical condition, such as severe asthma, which is aggravated by contact with dogs, can apply for an exemption certificate.

A driver who has been granted an exemption will display their 'Notice of Exemption' on the near side of the windscreen of their vehicle. The front of the notice will have the letters 'ED' (Exemption Dogs) and will show the driver's licence number.

### **5.10 Carriage of Disabled Passengers**

Hackney Carriage & Private Hire drivers could face a fine of up to £1,000 if they refuse to transport a disabled user, or if they attempt to charge more than the standard fare prices.

Where the vehicle is wheelchair accessible, taxi and private hire vehicle drivers are obliged to transport wheelchair users in their wheelchair, provide passengers in wheelchairs with appropriate assistance, charge wheelchair users the same as non-wheelchair users, and show no discrimination against an individual with a disability.

All taxi and minicab drivers must make sure they do not discriminate against disabled people and should therefore not treat them less favourably than non-disabled customers. You should also make any 'reasonable adjustments' to your service to make the journey easier.

[Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(legislation.gov.uk\)](https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users/access-to-taxis-and-private-hire-vehicles-for-disabled-users--2)

<https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users/access-to-taxis-and-private-hire-vehicles-for-disabled-users--2>

Drivers and operators have to help wheelchair users use their service. This could include:

- help getting in and out of the vehicle
- help finding a vehicle
- putting a mobility aid in the boot
- reading out the total on the taximeter
- explaining the route you are taking

### **5.11 Private Hire Driver's Conditions**

All private hire driver licences are issued subject to conditions.

Legislation allows the Authority to attach "reasonably necessary" conditions to the grant of a private hire driver's licence. The Authority has a set of [standard conditions](#) that are attached to the grant of a private hire driver's licence. The Authority will include additional, specific licence conditions on the grant of a licence where it considers it reasonably necessary to do so.

#### **5.12 Private Hire Law – [Offences Relating to Private Hire Vehicles](#)**

#### **5.13 Hackney Carriage Bye-Laws and Conditions**

All Hackney Carriage driver licences are issued subject to the Council's Hackney Carriage Bye-laws. It is an offence to fail to comply with these [byelaws](#) and [conditions](#).

#### **5.14 Hackney Carriage Law - [Offences Relating to Hackney Carriages](#)**

#### **5.15 Guidance on How to Apply for a Hackney Carriage or Private Hire Driver Licence**

Anyone wishing to apply should read our guidance notes [by following the links below](#), in conjunction with the whole of this document. [Our website has a dedicated page with all the information and forms you will require.](#)

[Conditions Relating to Private Hire Driver's Licences made under Local Government \(Miscellaneous Provisions\) Act 1976](#)

[Private Hire Law. Offences related to Private Hire Vehicles](#)

[Hackney Law. Offences relating to Hackney Carriages](#)

[Hackney Carriage – Conditions of Fitness](#)

[HMRC Tax Fact Sheet](#)

[A Guide to Hackney Carriage and Private Hire Driver's 3 Year Licence Applications](#)

#### **5.16 Surrender of driver licences**

The Authority will not accept the surrender of hackney carriage or private hire driver licences. The surrender of such licences negates the notification of any criminal conduct matters and allows an individual to correctly state that a licence has not been revoked or suspended in future applications, and avoids the sharing of information with other licensing authorities via NR3.

## 6. PRIVATE HIRE OPERATORS

Anyone wishing to invite Private Hire bookings in Burnley and dispatch a licensed vehicle and driver to fulfil those bookings must hold a Private Hire Operator's Licence. It is an offence to operate a private hire vehicle without the appropriate licence.

Private Hire Operators are responsible for ensuring that the vehicles and drivers they dispatch hold valid, appropriate licences to undertake those journeys.

Legislation requires that private hire operators are "fit and proper" but does not provide a definition as to what constitutes fit and proper. This Authority will use the following test in considering the fitness and propriety of an applicant for a vehicle licence:

"Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes".

The Authority's guidelines on the relevance of convictions and other conduct outlines the matters that will be considered together with relevant conduct issues that will be considered when determining whether a person is "fit and proper". There is no medical assessment required as part of private hire operator fit and proper considerations. Relevant financial conduct and previous business status may be a relevant consideration.

All Private Hire Operator licences are issued subject to conditions:

[Private Hire Operator Licence Applications](#)

[Private Hire Operator Pre-Licence Conditions](#)

[Private Hire Operator Conditions](#)

### **6.1 Disabled Passengers**

The law passed on 6th April 2017 and subsequent revision in 2022 extends the responsibility to carry and assist all disabled passengers to taxi drivers & operators could face a fine of up to £1,000 if they refuse to transport a disabled user, or if an attempt is made to charge more than the standard fare prices.

Taxi, private hire vehicle drivers and operators are now obliged to transport wheelchair users in their wheelchair, provide passengers in wheelchairs with

appropriate assistance, charge wheelchair users the same as non-wheelchair users, and show no discrimination against an individual with a disability.

All taxi, private hire drivers and operators must make sure they do not discriminate against disabled people and should not treat a disabled passenger less favourably than non-disabled customers. You should also make any 'reasonable adjustments' to your service to make the journey easier.

<https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users/access-to-taxis-and-private-hire-vehicles-for-disabled-users--2>

## **6.2 Carriage of Assistance Dogs**

It is a legal requirement that drivers of hackney carriages and private hire vehicles permit assistance dogs to be carried in the licensed vehicle without any extra charge. Assistance dogs are highly trained and will normally sit in the footwell of the vehicle immediately adjacent to their owner. The failure of a licensed driver / operator to carry a passenger (pre-booked passenger in the case of private hire) because the passenger is accompanied by an assistance dog is an offence.

The Authority regards the failure to carry an assistance dog as a serious matter and where sufficient evidence of the offence exists then the Authority will generally prosecute the driver and review the driver's / operator's licence.

## **6.3 Duration of Private Hire Operator Licence**

Private Hire Operator Licences are normally issued for a period of five years, with one-year licences available in special circumstances.

## **6.4 Applying for A Licence**

Applicants are required to submit a complete application which should include the following original documents:

- Evidence of planning permission
- Public Liability Insurance
- Radio Licence (and Planning Permission for any aerial where necessary)
- Enhanced DBS certificate & confirmation of subscription to the Update Service
- Safeguarding Awareness Training
- Tax Check Code
- Proof of Right to work in the UK
- Payment of appropriate fee

The design of door signs intended for use by a newly licenced operator will have to be authorised by the licensing team.

The Council recognises that Private Hire Operators and their dispatchers play an important role in providing access to a safe means of transport to all members of society.

Their role, alongside that of the licensed drivers they dispatch, places them in daily contact with some of the most vulnerable members of our society and as such they are ideally placed to assist all those agencies who have a statutory responsibility to safeguard the vulnerable. Dispatchers **are required** to undergo annual basic DBS checks by the operator.

Private Hire Operators are required to undertake safeguarding training, demonstrate their [right to work](#), and provide a [HMRC tax code](#) in the same way as drivers.

There is a dedicated page on our website where you can apply for an [Operators Licence](#).

### **6.5 Staff Training**

Staff employed by an Operator (this may be paid or unpaid) in the operation of the business, such as persons taking bookings, and dispatching vehicles should understand the legal and practical requirements of the work they are undertaking. The Operator is expected to provide training which should be effective, and it is important that the training is undertaken within a short time of a person commencing the work or task.

### **6.6 DBS Checks for Private Hire Operators and Staff**

Where a private hire operator applicant is not the holder of a Burnley Borough Council hackney carriage or private hire driver's licence, they will be subject to an Enhanced DBS and must subscribe to the DBS update service. Prior to their employment, Operators are required to vet any prospective booking or despatch staff by means of a basic DBS which should be refreshed every 3 years.

### **6.7 Insurance/Records**

Private Hire Operators are required to provide evidence of Employer's & Public Liability Insurance for the premises to be licensed. All operators are required to keep comprehensive records. These are detailed in [Private Hire Operator Conditions](#).

The Local Government (Miscellaneous Provisions) Act 1976 section 56 requires private hire operators to keep details of private hire bookings. Licence conditions

attached to private hire operator licence provides details of what should be recorded and how long these should be kept.

## 6.8 Premises

Where a Private Hire Operator provides premises for the public they shall be maintained in a clean and tidy condition, be adequately lit, heated and ventilated and where a waiting area is provided have adequate seating facilities. **Booking Offices must have CCTV coverage which operates on a 90 day loop.**

## 7. FEES

The Council sets and regularly reviews its fees for taxi and private hire licensing in line with the Government's requirements, in that fees should only cover the costs involved in the administration and regulation of licensed operators, drivers and vehicles. Current fees are published on the Council's website and can be accessed using the following link:

[Hackney carriage and private hire fees and charges - burnley.gov.uk](https://www.burnley.gov.uk)

## 8. APPENDICES

<a href="#">Appendix 1</a>	Private Hire Vehicle Conditions & Requirement for Issue
<a href="#">Appendix 2</a>	Hackney Carriage Vehicle Conditions
<a href="#">Appendix 3</a>	Hackney Carriage Bye Laws
<a href="#">Appendix 4</a>	Supplemental Testing Manual – Licensing of Hackney Carriage and Private Hire Vehicles
<a href="#">Appendix 5</a>	Hackney Carriage & Private Hire Vehicle Age Limits, Permitted Vehicles & Criteria
<a href="#">Appendix 6</a>	Hackney Carriage & Private Hire Vehicle - Application Guidance
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<a href="#">Appendix 11</a>	Right to Work in the UK
<a href="#">Appendix 12</a>	Policy Guidelines to Fitness & Propriety Including Convictions and other relevant information
<a href="#">Appendix 13</a>	How to Pay
<a href="#">Appendix 14</a>	Conditions Relating to Private Hire Driver's Licences made under Local Government (Miscellaneous Provisions) Act 1976



<a href="#">Appendix 15</a>	Private Hire Law - Offences Related to Private Hire Vehicles
<a href="#">Appendix 16</a>	Hackney Law -Offences relating to Hackney Carriages
<a href="#">Appendix 17</a>	Hackney Carriage - Conditions of Fitness
<a href="#">Appendix 18</a>	HMRC Tax Fact Sheet
<a href="#">Appendix 19</a>	A Guide to Hackney Carriage and Private Hire Driver's 3 Year Licence Applications
<a href="#">Appendix 20</a>	Private Hire Operator Licence Applications - How to apply.
<a href="#">Appendix 21</a>	Private Hire Operator Pre-Licence Conditions
<a href="#">Appendix 22</a>	Private Hire Operator Conditions
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<a href="#">Appendix24</a>	NR3 Policy

## Appendix 1

### **Local Government (Miscellaneous Provisions) Act 1976 Requirements for the Issue of a Private Hire Vehicle Licence & Conditions Relating to Private Hire Vehicle Licence**

Burnley Borough Council will only accept an application to licence a private hire vehicle if the vehicle complies with the following specifications.

Once the vehicle is licensed it will have to conform to the conditions contained in this document which will be attached to that licence.

On application and renewal, vehicles will be checked for MOT status and any manufacturing recalls by checking <https://www.gov.uk/check-mot-history>. Vehicles will need a valid MOT certificate and have had any recall issues rectified before a licence is issued.

#### **ALL PRIVATE HIRE VEHICLES**

Shall not be a London style hackney carriage style or similar vehicle.

Shall not be a left-hand drive vehicle.

Shall not be a convertible i.e. have a soft top.

Shall have a capacity for at least four adult passengers.

Shall maintain at least two separate means of exit for all passengers seated to the rear of the driver's seat.

Shall have passenger seats that are either front or rear facing.

All seats must be positioned to ensure the comfort and safety of the passenger.

Shall have an engine capacity of not less than 1,200cc.

Shall be of such design to enable any person in the vehicle to communicate with the driver.

Shall be fitted with a roof covering which can be kept watertight.

Shall contain windows and a means of opening and closing not less than one window on each side.

Shall contain seats which must be properly cushioned or covered.

Shall be constructed or adapted so as to have sufficient luggage space for the number of passengers for which it is licensed.

The vehicle must be type approved. You will be required to provide the necessary confirmation that the vehicle is approved - a V5 registration document (log book) indicating that the vehicle is M1 type approved (shown in the vehicle category at line J), or in the case of minibuses, that the vehicle was manufactured as an M2 vehicle, which is a minibus with more than 8 passenger seats, and the only modification is the removal of the rearmost seats to reduce the seating capacity. The V5 will show M2 in the Vehicle Category at line J. **The V5 will need to be updated if the vehicle has been converted.**

Vehicles converted from vans or imported from outside the EU will be required to have passed a VOSA Voluntary Individual Vehicle Approval (IVA) inspection.

The relevant certificate will be required before such a vehicle can be licensed.

### **WHEELCHAIR ACCESSIBLE VEHICLES (WAV'S)**

Any vehicle that has been adapted or modified to accommodate disabled passengers shall be re-certified, after adaptation or modification, to meet the European Whole Vehicle (M1 or M2) Type Approval standard, the British National Low Volume Type (M1 or M2) Approval standard or the Voluntary Individual Single Vehicle Approval in respect of all such adaptations or modifications. The relevant certificate will be required before such a vehicle can be licensed.

Information on Individual Vehicle Approval (IVA) can be found here:

[Vehicle approval: Individual Vehicle Approval - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Access to and egress from the wheelchair position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus;

Wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and comply with the M1 or M2 standards as specified in European Directive 76/115 EEC (as amended by 90/629 EEC) and should be secured in such a position as to not obstruct any emergency exit when the equipment is not in use;

A suitable, separate restraint (seat belt) must be available for the occupant of the wheelchair.

Access ramps or lifts must be securely fixed to the vehicle prior to use and be able to support the weight of any wheelchair, occupant and helper.

Ramps and lifts must be securely stored in the vehicle before driving off; such devices shall have a minimum load rating of 300kg.

The vehicle shall be fitted with a locking mechanism, or other device, that holds the wheelchair access door in the open position whilst a wheelchair is being loaded or unloaded.

Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S/I 1998/2307). Any such equipment must be maintained in efficient working order so as to be available for use at all times.

Where a vehicle is manufactured or adapted to carry a wheelchair, and the vehicle has been licensed as such, the licensee (and any licensed private hire operator responsible for operating the vehicle) shall ensure that the driver of the vehicle has received sufficient training to be able to load/unload and convey wheelchair bound passengers in safety and comfort.

A sign may be affixed to the outside of the vehicle indicating that it is able to convey passengers in wheelchairs, provided that the vehicle has been manufactured or properly adapted for that purpose.

The vehicle will be submitted for inspection at one of the Councils approved MOT stations. Vehicles will receive a 4-month test certificate and any licence issued will expire on the same date as the expiry of the test certificate.

When submitted for inspection the vehicle shall be in a complete and thoroughly good condition and the engine, chassis, body, tyres, fittings, furniture and all parts must be in good repair and order. All steering parts, engine and braking linkages must be thoroughly cleaned to enable thorough inspection.

**CONDITIONS RELATING TO PRIVATE HIRE VEHICLE LICENCE MADE UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (The Act)**

**REQUIREMENTS TO BE IN PLACE AT THE TIME OF THE APPLICATION TO BE MAINTAINED THROUGHOUT THE PERIOD OF THE LICENCE**

1. The vehicle must not be equipped with roof fittings except a roof rack or a wireless aerial, which must be fitted in such a manner as to satisfy the Council.
2. The vehicle must be fitted with the following signs:
  - (i) On saloon cars, estate cars and M.P.V's a sign on both nearside and offside front doors must be displayed, and contain the following information: the name of the firm, the words 'Private Hire' and the firm's telephone number. The sign may also include the firm's website and/or email address and/or mobile application. Such signs should be affixed by permanent means and shall not be less than 30cm X 20cm but can, if desired, cover the whole of the front door.
  - (ii) Rear door signs as prescribed by the Council to include plate number and insurance advice to be permanently fixed.
  - (iii) A sign at the rear of the vehicle may be fitted, to be between 5cm and 10cm in height and 1 meter in width, giving only the name of the firm, the email or website address or mobile application and telephone number.
  - (iv) Any further sign either to be displayed internally or externally which the Council in its absolute discretion may from time to time require.

3. There shall be no lights, plates, signs, advertisements, or other fittings (other than the signs referred to in condition 1 and the licence plate referred to in Condition 8) displayed on, in or from the vehicle, except those approved by the appropriate Secretary of State.

In addition to the above, minibuses may be sign-written and include corporate livery.

4. Any radio microphone installed in the vehicle shall be fitted in such a position that its use by the driver would not impair his control of the vehicle when it is in motion.

5. If the vehicle is fitted with a taximeter, that taximeter must be so constructed, attached and maintained to comply with the following requirements:

- (a) the taximeter shall be fitted with a key, flag, or other device, the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter.
- (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter.
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take from the hire of the carriage by distance.
- (d) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figure shall be capable of being suitably illuminated during any period of hiring.
- (f) the taximeter shall be affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

6. The vehicle shall contain a statement of fares to be fitted and maintained in such a position so as to be clearly visible at all times to the hirer. The statement shall clearly show the following:

- (a) the minimum charge of each hiring (if any).
- (b) the fare tariff.
- (c) the retention charge per minute or portion thereof.
- (d) any additional charges.

7. The vehicle shall:

- (a) have a capacity for at least four adult passengers
- (b) have an engine capacity of not less than 1200cc
  - (a) be of such design to enable any person in the carriage to communicate with the driver.
  - (b) be fitted with a roof covering which can be kept watertight.
  - (c) contain windows and a means of opening and closing not less than one window on each side.
  - (d) contain seats, which must be properly cushioned or covered.
  - (e) the floor of the vehicle must be provided with a proper carpet, mat or other suitable covering.
  - (f) the fittings and furniture in the vehicle must be kept in a clean condition, well maintained and in every way fit for public service.

- (g) be provided with sufficient luggage space for the number of passengers for which the vehicle is licensed.
  - (h) contain at least two doors for the use of persons conveyed in the vehicle and a separate means of ingress and egress for the driver.
  - (i) be equipped with an adequate first aid kit and fire extinguisher, both of which must be indelibly marked with the registration number of the vehicle it is used in.
  - (j) display 'No Smoking' signage that complies with current legislation.
- 8.** A plate identifying the vehicle as a Private Hire Vehicle, which has been provided by the Council and is of such design as the Council shall determine from time to time, shall be securely affixed to the rear of the vehicle and the whole of the plate clearly visible.



## **Appendix 2 Hackney Carriage Vehicle Conditions**

### **Definitions**

"Authorised officer" has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

"The Council" means the Council of the Borough of Burnley.

"Taxi" has the same meaning as in the Transport Act 1995.

"Identification plates" mean the plates issued by the Council for the purpose of identifying the vehicle as a hackney carriage.

"The proprietor" has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

"Taximeter" has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

"Bylaws" are those bylaws made in pursuance of the Town Police Clauses Act 1947 and the Local Government (Miscellaneous Provisions) Act 1976.

### **Conditions attached to Hackney Carriage Proprietors Licences issued by Burnley Borough Council**

Section 47 of Local Government (miscellaneous Provisions) Act 1976 allows a council to attach on the grant of a licence of a Hackney Carriage such conditions as the council may consider reasonably necessary.

### **Conditions attached to Hackney Carriage Proprietors Licences - Burnley**

#### **1 Convictions**

- a) The proprietor shall within seven days disclose to the Council **in writing** details of any personal conviction imposed on him/her (or, if the proprietor is a company or partnership, or any of the directors or partners) during the period of this licence

#### **2. Vehicle**

- a) New applications will only be accepted where vehicles are less than 3 years old from date of first registration in Burnley.
- b) The maximum age limit for vehicles is ten years from the date of first registration.
- c) The vehicle will be submitted for inspection at an M.O.T. Testing Station

designated by the Council at each licence renewal. When submitted for inspection it shall be in a complete and thoroughly good condition and the engine, chassis, body, tyres, fittings, furniture and all parts must be in good repair and order. All steering parts, engine and braking linkages must be thoroughly cleaned to enable thorough inspection.

- d) The vehicle should be fit for public service at all times. Particular attention must be paid to the condition of each tyre (including the spare wheel), lights, engine coolant and lubrication levels, windscreen wipers, washer reservoir levels, and vehicle interior and exterior cleanliness.
- e) The steering wheel must be on the offside (right-hand side)
- f) All doors must be capable of being opened from the inside. There must be at least four doors. If the rear door is to be used for access and egress then access to this must be direct and not blocked by a line of seats. Vehicles without a nearside door are not acceptable.
- g) The maximum number of passengers a vehicle may carry is eight. Access to every seat must be unobstructed without the need for seats to be folded or removed. Bench type seating will not be permitted. Seats must not be sideways to the direction of travel. Any occasional seats must be so arranged as to rise automatically when not in use. Any occasional seats must not obstruct doorways.
- h) Seat belts must be fitted for use by every passenger capable of being carried.
  - i) Where seats are facing each other, there must be a minimum space of 17" (*approximately 43 cm*) between any part of the front seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle. There must be a clear space of at least 26" (*66 cm*) in front of every part of each seat squab (padded back).
  - ii) Further to this a clear space of 7" (*approximately 18cm*) from back of front seat to front of rear seat (when front seat is fully pushed back), is to be recommended for passenger comfort.
- j) The vehicle must be able to carry a reasonable amount of luggage (safe from inclement weather). Luggage should be stored securely and not stored in such a way as to hinder access to a door.
- k) The flooring of the passenger compartment must be covered with a non-slip material, which can be easily cleaned.
- l) Grab handles must be placed at door entrances to assist the elderly and disabled. Grab handles should be highly visible.
- m) All entrances and exits must be sufficiently illuminated at night.
- n) The provision of a step for assisted entry is recommended. The step must be covered with a slip-resistant surface. In the case of vehicles with a high floor height, a step will be required.

- o) The vehicle will not contravene the Motor Vehicles (Construction and Use) Regulations or Road Vehicles (Lighting) Regulations currently in force
- p) Signs indicating that smoking is prohibited will be clearly displayed inside the vehicle.
- q) A licence plate will be maintained on the rear of the vehicle.
- r) The vehicle shall display on the rear nearside and offside doors signs designed and supplied by the Council, incorporating the words 'Burnley Borough Council', 'Licensed Hackney Carriage Vehicle' and the vehicle licence number
- s) The vehicle will have two stickers replicating the details contained on the licence plate adhered to positions that are clearly visible to any passengers sitting on any of the passenger seats.
- t) The vehicle will be black in colour and the colour must be maintained throughout the period for which the licence is in force.

### **3. Radio Microphone**

Any radio microphone installed in the vehicle shall comply with current legislation and be securely fitted in such a position that its use by the driver would not impair his/her control of the vehicle when it is in motion.

### **4. Accidents to Vehicle**

- a) The proprietor of a Hackney Carriage shall report to the Council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to such Hackney Carriage causing damage materially affecting the safety, performance or appearance of the Hackney Carriage or the comfort or convenience of persons carried therein. Compliance with this condition does not exempt the proprietor from his statutory liability to report accidents to the Police.
- b) The proprietor of a Hackney Carriage licensed by the Council shall, within such period as the Council may by notice reasonably require, state in writing the address of every place where such Hackney Carriage is kept when not in use and shall if the Council so require afford them such facilities as may be reasonably necessary to enable them to cause such Hackney Carriage to be inspected or tested there

### **5. Transfer of Ownership**

The proprietor shall notify the Council in writing, within fourteen days of any changes in vehicle ownership stating the name and address of the new proprietor.

## **6. Insurance**

- a) The proprietor shall keep in force a policy of insurance and security for the vehicle covering its' use as a Hackney Carriage.
- b) The proprietor of any Hackney Carriage vehicle licensed by the Council shall at the request of any authorised officer of the Council produce for inspection the vehicle licence and the certificate of insurance for the Hackney Carriage vehicle.

## **7. Alteration of Vehicle**

No material alterations or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time whilst the licence is in force.

## **8. Advertisements**

- (a) Save where, as respects any particular vehicle, an advertisement that covers the whole or substantially the whole of that vehicle is permitted by the Council in accordance with the provision of paragraph (b) of this condition, hackney carriages shall display on the rear nearside and offside doors, signs designed and supplied by the Council incorporating the words 'Burnley Borough Council Hackney Carriage' and the vehicle licence number.
- (b)
  - (i) Subject as is hereafter provided, hackney carriages may display advertisements that cover the whole of the vehicle but not including any glass surface. Advertisements may also be placed on the drop-down seats located in the rear of vehicles.
  - (ii) Prior to any advertisement being placed on vehicles, the proprietors of the vehicles must first obtain permission from the Licensing Team and will be required to provide an exact representation of the advertisement they intend to display.
  - (iii) Each request under subparagraph (ii) above to advertise in or on a Hackney Carriage will be considered on its merits but the following adverts will not be approved in any event:

- Those containing texts or images that are of a sexist, homophobic, racist, or blasphemous nature.
- Those containing texts or images that would contravene age and disability discrimination legislation
- Those for escort agencies, gaming establishments, massage parlours or any sexual service
- Those displaying nude or semi-nude figures
- Those likely to offend public taste (depicting violence, obscene or distasteful language); and
- Those that promote drugs, alcohol, or tobacco.

Applications that are considered inappropriate will be referred to the Head of Legal & Democratic Services for final decision.

## **9. Vehicle Type & Wheelchair Access**

All vehicles should meet the Conditions of Fitness for Hackney Carriages.

In addition, vehicles should comply in the converted (wheelchair/disabled access) state to the following standard:

European Community Whole Vehicle Type Approval.

A nearside door must be used for wheelchair access. Vehicles which use a rear door for wheelchair access are not acceptable.

A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use. The storage of the ramps when not in use must not impede access or egress of passengers.

There must be a slip-resistant surface on the ramp/ramps.

Anchorage must be provided for the wheelchair and chair bound passenger.

Restraints for wheelchair and occupant must be independent of each other. Belts attached to a wheelchair in order to assist a person to remain in it whilst travelling will not be acceptable.

Vehicles must be capable of transporting a folded wheelchair as luggage. Anchorages must also be provided for the safe storage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment.

All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

**NOTE:** Vehicles, which have been confirmed to comply with the specification, and have as a result become licensed, shall remain compliant with these standards throughout the duration of the licence.

## **10. Fares and Taximeters**

The vehicle shall contain a statement of fares to be fitted and maintained in such a position so as to be clearly visible at all times to the hirer. The statement shall clearly show the following:

- a) the minimum charge of each hiring (if any).
- b) the fare tariff.
- c) the retention charge per minute or portion thereof.
- d) any additional charges.

The vehicle shall be provided with a calendar meter that must be maintained and operational at all times the vehicle is in use.

Charges cannot be made for loading or unloading wheelchairs or assisting wheelchairs users or other disabled customers. The meter should be switched on when the vehicle is ready to depart and should be switched off when it arrives at the destination.

### **Appendix 3 Hackney Carriage Bye Laws 2019**

MADE UNDER SECTION 68 OF THE TOWN POLICE CLAUSES ACT 1847  
AND SECTION 171 OF THE PUBLIC HEALTH ACT 1875, BY THE COUNCIL  
OF THE BOROUGH OF BURNLEY WITH RESPECT TO HACKNEY  
CARRIAGES IN THE BOROUGH OF BURNLEY

#### **DEFINITIONS**

1. Throughout these byelaws

"The Council" means the Council of the Borough of Burnley.

"The district" means the Borough of Burnley

"The Booking Clerk" means any person tasked by an operator to receive and /or record and private hire bookings

"The Approved Course" means the DriversVRQ2 (BTEC)course for Transporting Passengers by Taxi and Private Hire or similar qualification that includes such learning modules as may be required by the Council, and that at least matches or exceeds the level of qualification attained by the VRQ2 (BTEC)

#### **PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE SHALL BE DISPLAYED**

- 2
- a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
  - b) A proprietor or driver of a Hackney Carriage shall: -
    - i) not willfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire.
    - ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material is illegible.

#### **PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED**

3. The proprietor of a Hackney Carriage shall: -

- a) Provide sufficient means by which any person in the carriage may communicate with the driver.
- b) Cause the roof or covering to be kept watertight.
- c) Provide any necessary windows and a means of opening and closing not less than one window on each side
- d) Cause the floor to be provided with a proper carpet, mat, or other suitable covering
- e) Cause the seats to be properly cushioned or covered
- f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for service
- g) Provide means for securing luggage if the carriage is so constructed as to carry luggage
- h) Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use
- i) Provide at least two doors for the use of people conveyed in such carriage and a separate means of ingress and egress for the driver

4. The proprietor of a Hackney Carriage shall cause the same to be provided with a taxi meter to be constructed, attached and maintained to comply with the following requirements, that is to say:

- a) The taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter
- b) Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the meter
- c) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter, in clear legible figures, a fare not exceeding the rate, or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf
- d) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon
- e) The taximeter shall be placed that all letters and figures on the face thereof are, at all times, plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
- f) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging, or permanently displacing the seals or other appliances



**PROVISIONS RELATING TO THE CONDUCT OF PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES**

5. The driver of a Hackney Carriage provided with a taxi meter shall: -
- a) When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaws in that behalf, locked in the position in which no fare is recorded on the face of the taximeter
  - b) As soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag, or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring
  - c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957, and at other times at the request of the hirer
6. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with, any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. A proprietor or driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired: -
- a) Proceed with reasonable speed to one of the stands in the district
  - b) If a stand, at the time of his arrival is occupied by the full number of carriages authorised to occupy it, proceed to another stand
  - c) On arriving at a stand not already occupied by a full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand to face in the same direction
  - d) From time to time when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward to fill the place previously occupied by the carriage driven off or moved forward
8. A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of another person for the purpose

9. A proprietor or driver of a Hackney Carriage, shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the carriage except with the consent of the Council

10. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle

11. The driver of a Hackney Carriage shall not at any time while driving on hire, smoke any tobacco or like substance, or play a wireless set, except with the consent of the hire

12. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place

13. The driver of a Hackney Carriage when hired to drive to a particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route

14. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such a carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage

15. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage, he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible

16. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage: -

- a) convey a reasonable quantity of luggage
- b) afford reasonable assistance in loading and unloading
- c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such a person

17. The driver of a Hackney Carriage shall notify the Council of any conviction against him or of any acceptance by him of an endorsable fixed penalty notice or simple caution for criminal or motoring offences or of any pending prosecutions taken against him for such types of offences since the issue of his Hackey Carriage driver's licence

18. No person shall act as a driver of a Hackney Carriage at any time after 6 months of the date on which the licence to drive is first granted to him by the Council unless:

- a) within not more than 7 days after the grant by the Council of a Hackney Carriage driver's licence to him, he registered for the Approved Course and
- b) he successfully completed the Approved Course within 6 months of the date of the grant by the Council of the Hackney Carriage driver's licence to him

19. Byelaws 18(a) and 18(b) shall not apply to a driver who has, prior to the grant by the Council of a Hackney Carriage driver's licence to him, successfully completed the Approved Course

20. No person shall drive a Hackney Carriage without first having completed a child sexual exploitation awareness course approved by the Council

**PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING OF CHARGES TO BE IN RESPECT THEREOF**

21. The proprietor or driver of a Hackney Carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein

22. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him: -

- a) Carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a Police station within the district and leave it in the custody of the officer in charge of the station on his giving receipt for it
- b) Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to 5 pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station, whichever be the greater) but not more than 5 pounds

**PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT AND SECURING THE DUE PUBLICATIONS OF SUCH FARES**

23. a) The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or

fare being calculated by the combination of the distance and time unless the hirer express at the time commencement of the hiring his desire to engage by time

b) Where a Hackney Carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter

24. a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures

b) The proprietor of a Hackney Carriage bearing a statement of fares in accordance with the byelaw shall not willfully or negligently cause or suffer the letter or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire

#### PENALTIES

25. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding fifty pounds and fifty pounds for a second or subsequent offence.

#### REPEAL OF BYELAWS

26. The byelaws relating to hackney carriages which were made by the Burnley Borough Council on the 2<sup>nd</sup> day of August 1978 and confirmed by one of Her Majest's Assistant Under Secretaries of State on the 6<sup>th</sup> day of October 1978 are hereby repealed

## Appendix 4 Supplemental Testing Manual

### THE LICENSING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES SUPPLEMENTAL TESTING MANUAL FOR ELEMENTS OF THE VEHICLE TEST IN ADDITION TO VOSA STANDARDS

1. EXTERIOR OF VEHICLE			
METHOD OF INSPECTION		REASON FOR REJECTION	NOTES
1.1	The exterior of the bodywork, the underside of the vehicle and the engine compartment must be in a suitable clean condition to allow for proper inspection of these areas	Contamination preventing proper inspection	If the vehicle is presented for inspection in such a condition that prevents a full examination of items for inspection, the vehicle test will not be carried out. Vehicle exterior to be washed clean for presentation for test.
1.2	Check all door check straps to ensure that doors are held in place when fully opened.	Door check straps which fail to hold the doors in place when fully opened. Door check straps which fail to restrain the doors when fully open, causing panel damage.	All repairs should be carried out to a professional standard. Drivers may appeal to Licensing Team if vehicle failed for dents.
1.3	Examine the external body panel and structure for evidence of corrosion, damage and / or unsatisfactory repairs	Visibly poor or shoddy repairs constitute a fail. A dent on a panel over 60mm in diameter at its widest point and over 4mm deep constitutes a fail.  Multiple dents – More than 4 dents up to 60mm in diameter and 4 mm deep on the whole of the vehicle constitutes a fail	Allowances will be made for small stone chips which are not showing signs of rust. Drivers may appeal to Licensing Team if vehicle failed for scratches / dents. A scratch constitutes paint removal to undercoat or metal.
1.4	Examine the external paintwork for damage which adversely affects the appearance of the vehicle.	An obvious mismatch of paint constitutes a fail.  A scratch mark over 300 mm long constitutes a fail.  More than 3 scratches over 150 mm on the whole of the vehicle constitute a fail.	Allowances will be made for small stone chips which are not showing signs of rust. Drivers may appeal to Licensing Team if vehicle failed for scratches / dents.

		A single rust scab over 20mm constitutes a fail. More than 3 rust scabs over 10mm constitute a fail.	A scratch constitutes paint removal to undercoat or metal.
<b>1.5</b>	Ensure that the front and rear bumpers Are in good condition and are securely fixed to the vehicle.	Badly damaged or inadequately secured front or rear bumpers. Visibly poor or shoddy repairs constitute a fail.	Advice will be issued for minor damage
<b>1.6</b>	Examine the rubber seals to every door for damage, looseness, or absence.	A door seal which is damaged or worn to the extent that air/water penetration may occur constitutes a fail. Any sharp edges arising from door seal defects constitutes a fail.	
<b>1.7</b>	Check that every reversing light fitted by the manufacturer of the vehicle is complete, in good working order and in clean condition	A reversing light which: a) does not operate when reverse gear is selected. b) is incomplete, not in good working order or in clean condition, i.e. so damaged or deteriorated that its function is impaired. c) emits other than a steady white light when reverse gear is selected or remains on when reverse gear is deselected d) is insecure or does not provide adequate illumination to the rear of the vehicle	

**2. SIGNS – PRIVATE HIRE VEHICLES THIS SECTION DOES NOT APPLY TO VEHICLES PRESENTED FOR INSPECTION WHERE AN INITIAL APPLICATION FOR A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE LICENCE IS TO BE MADE**

	METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
<b>2.1</b>	Examine the company door signs affixed to the front passenger and drivers doors and Insurance stickers affixed to the rear passenger doors to ensure that they comply with the conditions attached to private hire vehicle licences.	Failure to display the name of the private hire company and/ or its telephone number, web address or e mail address in the manner prescribed in the conditions attached to private hire vehicle licences.	

<b>2.2</b>	Examine the vehicle to ensure that “No Smoking” signs are displayed and are clearly visible to passengers	‘No Smoking’ signs not displayed or displayed in such a manner that they cannot be clearly seen by passengers ‘No Smoking’ signs displayed that do not conform to the size and design required.	‘No Smoking’ signs that comply with the legislation can be obtained free of charge from the Licensing Team
<b>2.3</b>	Examine any signage displayed on the vehicle to ensure that it complies with the conditions attached to the vehicle licence	Vehicle is displaying signage in contravention of the conditions attached to the vehicle licence.	Private Hire vehicles are prohibited from displaying any advertisement.
<b>2.4</b>	Examine any advertisement either in or on the vehicle to ensure that it meets the criteria for advertising contained in the conditions attached to hackney carriages	Adverts that exceed the dimensions and or content contained in the hackney carriage conditions.	
<b>2.5</b>	Examine the vehicle to ensure that signs that state, ‘Burnley Borough Council – Licensed Hackney Carriage’ are displayed on the rear passenger doors and contain the same licence number that is displayed on the licence plate.	Signs not displayed Signs damaged so as to render them unreadable	Signs will be provided free of charge by the Council when the vehicle is first licensed. The cost of any replacement signs required will be the responsibility of the vehicle proprietor

### 3. LICENCE PLATES

	METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
<b>3.1</b>	Examine the licence plate mounting and ensure that it is securely fixed to the vehicle	A mounting plate which is not adequately secured to the vehicle by a Council approved method	Hackney carriage plates shall be fixed in the centre of the boot lid. Private hire plates shall be fixed to the rear offside of the vehicle

### 4. TYRES AND SPARE WHEEL

	METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
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<b>4.1</b>	Ensure that the tyre provided on the spare Wheel is the same size and construction as those fitted to the road wheels.	A tyre which is of a different size or construction. (Space saver tyres are acceptable)	The vehicle must be presented with a spare tyre which, if fitted to the vehicle, would satisfy all legal requirements.
<b>4.2</b>	Examine the tyre which is fitted to the spare wheel for signs of damage or excessive wear and ensure that it complies with all legal requirements	Damaged, excessive wear, sub-standard or otherwise illegal tyres	
<b>4.3</b>	Check that the tyre is not excessively over inflated or under inflated.	Excessively over or under inflated spare tyre	
<b>4.4</b>	Examine the jack and wheel brace provided with the vehicle to ensure that they are in good working order.	Failure to provide a suitable jack and /or wheel brace with the vehicle in good working order	
<b>4.5</b>	Check the spare wheel fixing bracket (or similar securing device) to ensure that the wheel is properly secured in the correct position.	Failure to satisfactorily secure the spare wheel	
<b>4.6</b>	Check the rim of the spare wheel for any Signs of distortion or damage.	A wheel rim that is damaged or distorted to such an extent that it is rendered unserviceable	

## 5. BOOT

	METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
<b>5.1</b>	Examine the boot interior for evidence of Corrosion or water penetration	Corrosion to the floor of the booth, inner wing panels or lid or evidence of water penetration.	
<b>5.2</b>	Ensure that there is adequate boot floor Covering and that it is in good condition and offers adequate protection to luggage stored in the boot	Inadequate floor covering	
<b>5.3</b>	Examine the interior of the boot for Accumulations of dirt, dust, grease, litter etc. or staining of any surface which luggage may come into contact with.	Accumulations of dirt, grease, rubbish etc. in the boot which could soil, or damage luggage stored therein	The materials could contaminate passengers' luggage, taint food etc.



<b>5.4</b>	Check the boot for the presence of any flammable or corrosive materials.	Containers for the storage of petrol or any flammable or corrosive material shall not be carried in the vehicle	
<b>5.5</b>	Check the boot for loose tools and other items.	Any tools or other items not adequately secured or would hinder storage of luggage	
<b>5.6</b>	Check that the vehicle boot support and mechanism adequately support the boot lid when it is in the 'lifted' position	Defective opening mechanism. Defective boot supports which prevent the lid from being properly secured in the 'lifted' position	

## 6. ENGINE COMPARTMENT

	METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
<b>6.1</b>	Ensure that the battery is properly secured in position and that any additional electrical equipment is safe and secure	A battery which is not adequately secured. Additional wiring or equipment which is unsafe or insecure	
<b>6.2</b>	Check the fan belt for signs of incorrect adjustment and/or deterioration		Advice notes
<b>6.3</b>	Examine the engine mountings for signs of deterioration.	Insecure or excessively deteriorated engine mountings	
<b>6.4</b>	Ensure that the radiator is properly secured to the vehicle and check the cooling system for signs of any leaks	An inadequately secured radiator or leaks from the cooling system	
<b>6.5</b>	Check the clutch mechanism for correct operation		Advice notes

## 7. INTERIOR OF VEHICLE

	METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
<b>7.1</b>	Examine the floor and upholstery inside. The vehicle for accumulations of dirt, dust, litter, general debris, staining or excessive wear.	A vehicle which is in a dirty condition with an excessive accumulation of dust, litter, debris etc. or staining to the carpets or upholstery	Vehicle interior to be vacuum cleaned for presentation for test
<b>7.2</b>	Examine the upholstery and ensure that it is not excessively worn, holed or torn	Upholstery is excessively worn, hole or torn	
<b>7.3</b>	Examine each of the passenger seats to ensure that all seat cushions and back rests are in good condition and offer proper support to passengers	Seat cushions or back rests which are in poor condition and/or offer poor support to passengers	

<b>7.4</b>	Examine the rear seats to ensure that the seat base is secure	Inadequately secured rear seat bases	
<b>7.5</b>	Check the operation of the interior light, both the door manual switch and the door operated switches if fitted by the manufacturer	Faulty interior light switches or door switches	
<b>7.6</b>	Check the operation of the heater/windscreen de-mister to ensure that it is in satisfactory	Defective heater/windscreen de-mister	
<b>7.7</b>	Check the anti-slip face on the clutch Pedal	The anti-slip provision on the clutch pedal is missing, loose or worn smooth	
<b>7.8</b>	Check the operation of all window winder mechanisms ensuring that they all windows to be fully lowered and raised easily	Window mechanisms that do not allow windows to be easily lowered or raised	
<b>7.9</b>	Check the operation of all rear doors from the interior of the vehicle	A rear door that cannot be opened from the inside using the interior handles	
<b>7.10</b>	Check that interior and exterior mirrors Are fitted	Missing, insecure or defective mirrors which do not give a clear view to the rear from the driver's seat	
<b>7.11</b>	Check that there are no excessively unpleasant odours noticeable inside the vehicle	Unacceptable smell including vomit, waste food or other similar contaminants	
<b>7.12</b>	Ensure that all emergency exits provided are clearly marked, in letters not less than 25mm high, on both the inside and outside with the words, 'EMERGENCY DOOR' or 'FOR EMERGENCY USE ONLY' adjacent to that exit	The words, 'EMERGENCY DOOR' or 'FOR EMERGENCY USE ONLY' are not displayed on either the inside or outside	Sections 7.12 and 7.13 are only applicable to vehicles which are licensed for the carriage of 8 passengers not including the driver
<b>7.13</b>	Check that the means of operation for the emergency exits is clearly indicated on or near the door	The means of operation are not clearly indicated	
<b>7.14</b>	Check that the wheelchair ramps slide easily and smoothly from stowage and that they are in good condition.	Ramps not present. Ramps that are not easily removed from stowage.	Storage of ramps when not in use must not impede access or egress of passengers
<b>7.15</b>	Check that an adequate locating device is fitted to ensure that ramps do not slip or tilt when in use	No locating device	


<b>7.16</b>	Check that anchorages are provided both for wheelchairs and for passengers travelling in wheelchairs. Restraints must be independent of each other	No separate anchorages for wheelchairs and for passengers	A single restraint i.e. either wheelchair anchorage or seatbelt that restrains passengers in wheelchairs is not acceptable.
<b>7.17</b>	Examine grab handles at door entrances to ensure that they are securely fixed to the vehicle.	Grab handles missing or not securely fixed	
<b>8. FIRST AID KIT</b>			
	<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>
<b>8.1</b>	Check that there is a first aid kit	Failure to provide first aid kit	
<b>9. FIRE EXTINGUISHER</b>			
	<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>
<b>9.1</b>	Examine the fire extinguisher to ensure that it is not empty or has been damaged so as to prevent it from operating correctly	A leaking, empty or damaged fire extinguisher	
<b>10. ROAD TEST</b>			
	<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>
<b>10.1</b>	Drive the vehicle over a measured distance and check for meter calibration at 1320 yards and a further increment of 220 yards	A taxi meter fare reading that does not comply with the Council's current fare/tariff charge	Applies to hackney carriages and private hire vehicles fitted with meters
<b>10.2</b>	Check integrity of meter seals	Seals which have been tampered with or removed	Ditto
<b>10.3</b>	Check that the meter fitted is a Calendar	Non – Calendar meter fitted	Ditto

Please see the next page regarding scratches and dent & rust sizes..

Any scratch on your vehicle that is longer than this means your vehicle will fail



Any dent on your vehicle that is bigger than this →  
means your vehicle will fail.

Any rust scab or blemish that is bigger than this  your vehicle will fail.

## Appendix 5 Vehicle Age Limits

### Hackney Carriage Vehicles

<b>Permitted Vehicle Types</b>	Traditional LTI black cabs Mercedes Vito Taxi Mercedes Benz M8 Hackney. (similar to Vito taxi but without 4 wheel steering) Peugeot E7 (SE Model) by Allied Vehicles
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	Where Exceptional Conditions* are NOT met	Where the Vehicle Safety EC1* is met	Where Vehicle Safety and emissions EC1& 2* are met
Lower Age Limit (vehicles must be less than this age when first licensed)	4 years	Not relevant to new vehicle applications	6 years (EC2 only)
Upper Age Limits of Vehicles first licenced prior to 11.4.14	12 years	15 years	No upper limit
Upper Age Limits Vehicles first licenced since 11.4.14	10 years	15 years	No upper limit
Written off vehicles	Replaced with a vehicle up to the age of that written off, up to the 10 year limit	N/A	

#### \*VEHICLE SAFETY: EXCEPTIONAL CONDITION 1 (EC1)

- **Saloon, Estate and small MPV Private Hire vehicles to meet Euro 6.**
- Any inspection identifying the following defects will usually result in the vehicle no longer being classed as in exceptional condition upon expiry of the licence
  - inspection resulting in a fail where an authorised MOT vehicle examiner identifies 2 or more dangerous or major faults or
  - where the vehicle is found to have a poor maintenance history, evidenced by 2 or more previous suspensions for vehicle safety issues within the preceding 2 years.

It will not be acceptable for such a vehicle to be taken away, repaired and presented for a further test. Any further application will not be accepted for such a vehicle. Dangerous and Major faults are outlined in the DVSA MOT Inspection Manual: Cars & Passenger Vehicles. Reference to this manual can be found using the following link: <https://www.gov.uk/guidance/mot-inspection-manual-for-private-passenger-and-light-commercial-vehicles>

#### \*EMISSIONS: EXCEPTIONAL CONDITION 2 (EC2)

- **Until 31/12/28:** Vehicles must be categorised as having fuel types of either hybrid (HEV), plug in hybrid (PHEV), Battery Electric Vehicle (BEV), Range Extended Electric Vehicle (REEV or E-REV) or Hydrogen Fuel Cell Electric Vehicle (HFCEV) [and have a battery range of at least 40 miles].
- **From 1/1/29:** Vehicles must be categorised as having fuel types of either plug in hybrid (PHEV), Battery Electric Vehicle (BEV), Range Extended Electric Vehicle (REEV or E-REV) or Hydrogen Fuel Cell Electric Vehicle (HFCEV)

## Private Hire Vehicles

	Where Exceptional Conditions* are NOT met	Where the Vehicle Safety EC1* is met	Where Vehicle Safety and emissions EC1& 2* are met
Saloons, Estate Cars and small M.P.V's.	No lower age limit. Upper age limit of 8 years.	Lower age limit of 8 years. (ie the vehicle must be less than <b>8 years</b> old at the time of first application). Upper age limit of <b>10 years</b> .	Lower age limit of 8 years. (ie the vehicle must be less than <b>8 years</b> old at the time of first application). Upper age limit of <b>12 years</b> .
#Large M.P.V's and Minibuses that are NOT wheelchair accessible.	Lower age limit of <b>8 years</b> (ie the vehicle must be less than <b>8 years</b> old at the time of first application). Upper age limit of <b>10 years</b> (which only applies if the licence is continuously renewed).	Lower age limit of <b>8 years</b> . (ie the vehicle must be less than <b>8 years</b> old at the time of first application). Upper age limit of <b>12 years where ECs 1 is met</b> (which only applies if the licence is continuously renewed).	Lower age limit of <b>8 years where EC 2 is met</b> . (ie the vehicle must be less than <b>8 years</b> old at the time of first application). Upper age limit of <b>14 years where ECs 1 &amp; 2 are both met</b> (which only applies if the licence is continuously renewed).
#Large M.P.V's and Minibuses that ARE wheelchair accessible	Lower age limit of 8 years (ie the vehicle must be less than 8 years old at the time of first application). Upper age limit of <b>13 years</b> (which only applies if the licence is continuously renewed).	Lower age limit of 8 years (ie the vehicle must be less than 8 years old at the time of first application). Upper age limit of 15 years (which only applies if the licence is continuously renewed).	Lower age limit of 8 years (ie the vehicle must be less than 8 years old at the time of first application). <b>No upper limit</b>

#To be classed as a large MPV, the overall length of the vehicle has to be 4.8 metres or more.

### \*VEHICLE SAFETY: EXCEPTIONAL CONDITION 1 (EC1)

- Saloon, Estate and small MPV Private Hire vehicles to meet Euro 6.
- Any inspection identifying the following defects will usually result in the vehicle no longer being classed as in exceptional condition upon expiry of the licence
  - inspection resulting in a fail where an authorised MOT vehicle examiner identifies 2 or more dangerous or major faults or
  - where the vehicle is found to have a poor maintenance history, evidenced by 2 or more previous suspensions for vehicle safety issues within the proceeding 2.

It will not be acceptable for such a vehicle to be taken away, repaired and presented for a further test. Any further application will not be accepted for such a vehicle. Dangerous and Major faults are outlined in the DVSA MOT Inspection Manual: Cars & Passenger Vehicles. Reference to this manual can be found using the following link: <https://www.gov.uk/guidance/mot-inspection-manual-for-private-passenger-and-light-commercial-vehicles>

### \*EMISSIONS: EXCEPTIONAL CONDITION 2 (EC2)

- **Until 13/12/28:** Vehicles must be categorised as having fuel types of either hybrid (HEV), plug in hybrid (PHEV), Battery Electric Vehicle (BEV), Range Extended Electric Vehicle (REEV or E-REV) or Hydrogen Fuel Cell Electric Vehicle (HFCEV) [and have a battery range of at least 40 miles].
- **From 1/1/29:** Vehicles must be categorised as having fuel types of either plug in hybrid (PHEV), Battery Electric Vehicle (BEV), Range Extended Electric Vehicle (REEV or E-REV) or Hydrogen Fuel Cell Electric Vehicle (HFCEV)

## Appendix 6 Vehicle Application Guidance

If you are considering applying to licence such a vehicle the following information should be submitted at the time of applying:

1. Fully Completed Application Form
2. Motor Insurance Policy (A Schedule of Insurance is unacceptable)
3. Compliance Test Certificate
4. V5 Registration Document
5. Current DBS Certificate (if applicable) Most existing operators and drivers will already have presented an enhanced DBS certificate for licensing purposes. For vehicle proprietors who are not licenced as an operator or driver, a basic DBS certificate is required.

For existing licence holders, you are advised that an application **should** be submitted prior to the expiry date of the current licence of the vehicle concerned.

**Please note:** Vehicle licence/plate applications should be submitted using the drop/post box situated at the Contact Centre on Parker Lane, Burnley to the left of the main entrance doors at the junction of Grimshaw Street.

**Appendix 7 List of Approved Taxi Test Stations in Burnley**

Company	Contact Details	Opening Hours
<b>Lancashire County Engineering Services,</b> Brindley Close, Network 65 Business Park, Hapton, Burnley BB11 5TD	01282 448873	Monday to Thursday 07:30 to 15:30 Friday 07:30 to 15:00
<b>Marshall's Motor Engineers,</b> Unit 2, Kitchen's Garage, Trafalgar Street Service Station, Trafalgar Street, Burnley, BB11 1TQ	01282 428100 07860422843 <a href="mailto:sales.marshalls@live.co.uk">sales.marshalls@live.co.uk</a>	Monday to Friday 08.00 to 18.00 Saturday 08.00 to 12.00
<b>CK Motors,</b> Unit 21, Smallshaw Ind. Estate, Phoenix Way, Burnley BB11 5SX.	01282 423700 <a href="mailto:ck@ckmotors.co.uk">ck@ckmotors.co.uk</a>	Monday to Friday 09.00 to 17.00
<b>Evans Halshaw,</b> Eastern Avenue, Burnley BB10 2AP	01282 425991	Monday to Friday 08.30 to 16.30 Saturday 08.30 to 12.30
<b>Bates Car and Commercial,</b> Park Road, Padiham, Burnley BB12 7AN	01282 779993 <a href="mailto:bbate57@msn.com">bbate57@msn.com</a>	Monday to Friday 08.00 to 18.00 Saturday 08.00 13.00

**Appendix 8 Insurance Advice to Applicants**



It is the responsibility of the person applying for a Hackney or Private Hire vehicle licence to produce the original insurance certificate for the vehicle they wish to licence.

We do not accept photocopies or faxed copies of motor insurance. The document produced must be either a certificate of insurance or a cover note. We do not accept an insurance policy document. It is not proof of insurance.

We do not accept Insurance certificates issued to 'third parties'. The holder of the Insurance certificate MUST be the same person who is named as the registered keeper of the vehicle and the same person who is applying for the vehicle licence. The only exception to this is where the insurance certificate has been issued to a Burnley licensed private hire operator and the application and registration document are in the name of the holder of that operators licence.

If you are producing a fleet policy or a policy that is for 'any vehicle' you must produce a separate vehicle schedule which lists all the vehicles that are covered. The schedule should be linked to the certificate of insurance you are producing i.e. the serial number on the certificate of insurance should be the same as that on the schedule. The schedule should also be dated.

### **Important Note**

It is not the responsibility of Council staff to ring your insurance company in order to verify your insurance details.

**Appendix 9 Hackney Carriage Stands**

<b>All Day Stands</b>	<b>Number of Vehicles – Total =</b>
	<b>16</b>
Croft Street	2
Gunsmith Place	10
Halstead Street (Manchester Road Train Station)	2
Burnley Road, Padiham	2

<b>Stands 12 midnight to 4.30am</b>	<b>Number of Vehicles – Total =</b>
	<b>12</b>
St James's Street	5
Ormerod Street	7

<b>Stands 12 midnight to 4.30am</b>	<b>Number of Vehicles – Total = 11</b>
Hammerton Street west	5
Hammerton Street east	6

<b>Stands 10.30pm to 4.30am</b>	<b>Number of Vehicles – Total = 11</b>
Manchester Rd (big window)	4
Hargreaves St north	3
Hargreaves St south	4

## Appendix 10 Hackney Carriage Table of Fares

Drivers are required by law to switch on the taxi meter at the start of each journey.

Fares apply to all journeys within the Borough Boundary and to journeys outside the Borough Boundary unless agreed otherwise between driver and hirer prior to the hiring.

TARIFF 1	
<b>For hiring commenced between the hours 6.00 am and midnight each day</b>	
For the first 1320 yards (three quarters of a mile) or 4 minutes	<b>£3.00</b>
For each succeeding 220 yards or 40 seconds thereafter or a combination of both	<b>£0.20</b>

TARIFF 2	
<b>For hiring commenced between midnight and 6.00 am each day, Statutory Holidays and Bank Holidays (excluding Christmas and New Year):</b>	
For the first 1320 yards (three quarters of a mile) or 4 minutes	<b>£3.50</b>
For each succeeding 220 yards or 40 seconds thereafter or a combination of both	<b>£0.20</b>

TARIFF 3	
<b>For hiring commenced between the hours 6.00 pm Christmas Eve and 6.00 am 27 December and between 6.00 pm New Year's Eve and 6.00 am 2 January:</b>	
For the first 1320 yards (three quarters of a mile) or 4 minutes	<b>£5.00</b>
For each succeeding 220 yards or 40 seconds thereafter or a combination of both	<b>£0.40</b>

### Extra Charges:

- To cover cleaning and loss of income, where the interior of the vehicle is soiled (at the discretion of the driver) not exceeding £50.00
- Before the journey starts the driver must advise if He / She is exercising discretion to charge a maximum of £1.00 for carrying abnormal loads. (This does not apply to carriage of suitcases, hand – held luggage, shopping bags, prams / pushchairs or wheelchairs.)
- Assistance dogs **must** be carried free of charge.

Drivers may ask customers to pay an estimated fare or deposit, up-front.

## Appendix 11 Right to Work

A licence will not be issued to an individual who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued will expire when the right to work expires and will become invalid when a licence holder ceases to be entitled to work in the UK.

Applicants must demonstrate that you have the right to work in the UK and are not subject to a condition preventing you from doing work relating to the carrying on of a licensable activity.

You can do this in one of two ways:

1) by bringing with you an original document (as determined by the Home Office) which will be copied and scanned onto our system that demonstrates your entitlement to work in the UK.

2) by providing your 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

### Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their '**share code**' (provided to them upon accessing the service at: [Prove your right to work to an employer - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/your-right-to-work-to-an-employer)) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office.

## **Appendix 12 Policy Guidelines to Fitness & Propriety Including Convictions and Other Relevant Information**

NOTE: In the Council's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights.

This document aims to provide guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:

- Applicants for drivers' Licences
- Existing licensed drivers whose Licences are being reviewed
- Applicants for Operator's Licences
- Existing licenced Operator's whose licences are being renewed
- Applicants for Vehicle licences
- Existing Vehicle licence holders whose licences are being renewed
- Licensing Officers
- Members of the Licensing Committee
- Magistrates hearing appeals against local authority decisions
- Lancashire Constabulary

Where Officers have delegated powers to grant or refuse Licences, they will utilise these guidelines when making a decision to grant a Licence. In other cases Applications for Licences will be referred to the Licensing Committee.

Whilst Officers and the Committee will have regard to the guidelines contained in the policy, each case will be considered on its Individual merits and, where the circumstances demand, the Committee/Officer may depart from the guidelines.

### Background

#### **1. In this Policy the following words have the following meanings:**

- a. "Applicant" means a person applying for a Licence, an existing Licence Holder applying for renewal of a Licence, or an existing Licence Holder whose Licence is subject to a decision by the Council to revoke, suspend or take no further action
- b. "Application" means an Application for a Licence, an application for renewal of a Licence, or a decision by the Council to revoke, suspend or take no further action in respect of an existing Licence
- c. "Conviction" means a conviction, caution or formal warning and endorsable fixed penalty

- d. "Council" means Burnley Borough Council
- e. "Driver" means a person applying for a Licence or a Licence Holder
- f. "Individual" includes an existing Licence Holder, an applicant for a new Licence, and an Applicant for the renewal of an existing Licence
- g. "Issue" includes any complaints made to the Council, Police, Operators or any other agency, breaches of licensing conditions and intelligence received from other agencies (including circumstances which have not resulted in a criminal Conviction or other disposal). E.g. incidents which have resulted in a police investigation where there has been no further action due to the criminal burden of proof will still be considered if the Council is satisfied that the incident occurred based on the balance of probabilities)
- h. "Licence" means a Licence to drive a hackney carriage or a private hire vehicle.
- i. "Licence Holder" means the holder of a current valid Licence granted by the Council

## **2. Where this Policy refers to a period free of Conviction:**

(A) Subject to paragraph (B), that period is to be calculated as commencing on the later of –

- a) the date of the Conviction (or where the Conviction is appealed, the date on which the appeal is finally disposed of or withdrawn or fails for want of prosecution).
- b) in the case of a Licence Holder, the date the Conviction was reported to the Council.
- c) in the case of a Licence Holder, the date the Council became aware of the conviction from any other source.
- d) the date any custodial sentence was completed; or
- e) the end date of any period of disqualification from driving and ending on the date of determination of the Application.

(B) In the case of:

- i) a refusal to renew a licence; or
- ii) a suspension or revocation of a Licence other than a suspension or revocation which has immediate effect by virtue of section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 where the decision to refuse to renew, suspend or revoke is appealed, the period free of Conviction as calculated in accordance with paragraph (A) shall be extended by the period of time equal to the length of period of time commencing on the date of the decision in respect of which such appeal proceedings are commenced and ending on the date on which that appeal is disposed of or withdrawn or fails for want of prosecution, and the end date of the period free of Conviction shall be calculated accordingly.

**3.** Licences for drivers of Hackney Carriages or Private Hire vehicles may only be granted where the Council is satisfied that the Individual is a fit and proper person to hold such a Licence.

**4.** The document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person namely the situation where a person has previous Convictions and cautions.

## **5. The Council is concerned to ensure:**

- a. That a person is a fit and proper person.
- b. The public are not exposed to persons with a history of dishonesty, indecency or violence.
- c. The safeguarding of children and young persons and vulnerable adults.

**6.** The public are not normally permitted to attend Committee hearings for Private Hire or Hackney Carriage drivers Applications however, in determining whether to grant a Licence the committee or officers will take into account the human rights of the wider public and balance these against the human rights of the Applicant.

**7.** When submitting an Application, Individuals are required to declare **all** previous Convictions they may have. Individuals are also required to declare **all** formal/simple cautions, any matters of restorative justice and **all** fixed penalties and **all** endorsable fixed penalties they have received and to provide details of **all** criminal matters of which they are currently the subject of criminal investigation or prosecution. It is an offence for any person knowingly or recklessly making a false declaration or to omit any material particular in giving information required by the Application for a Licence. Where an Applicant has made a false statement or a false declaration on their Application for the grant or renewal of a Licence, the Licence will normally be refused. Further applications from the same person will not normally be granted within 6 months of the date of the initial refusal.

**8.** The information given will be treated in confidence and will only be taken into account in relation to the relevant Application to assist the Council in determining whether the Applicant is a fit and proper person to hold a Licence for the purposes of sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether the Council should exercise any of its powers under section 61 of the Act (i.e. suspension, revocation or refusal to renew a Licence).

**9.** Applicants for a Licence to drive a Hackney Carriage or Private Hire vehicle should be aware that the Council is empowered by law to check with the Disclosure Barring Service for the existence and content of any criminal record and other intelligence held in their name. Officers from the Licensing Team will where appropriate contact other agencies for any other information which they may hold for instance, the Council's Housing Service, Lancashire County Council Children's Services and Lancashire Constabulary. Information received from the Disclosure Barring Service or other agency will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the Application is determined or any appeal against such determination is decided.

**10.** The disclosure of a criminal Convictions or other relevant information relating to an Individual's conduct will not necessarily debar an Individual from being granted, retaining or renewing a Licence. It will depend on whether or not the Individual can satisfy the Council that they are a fit and proper person to hold such a Licence.

**Generally, where a person has more than one conviction, this will raise questions about their safety and suitability. However, as a licensing authority we are looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.**

**11.** The Council may fail to be satisfied that an Individual is a fit and proper person to hold a Licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a Licence.

**12.** In considering evidence of an Individual's good character and fitness to hold a Licence, where previous Convictions or other information relating to criminal matters/character is disclosed, the Council will consider the nature of the offence/Issue and penalty. When it was committed/took place, the date of Conviction/Issue and the length of time which has elapsed, the Individuals age when the offence was committed/Issue took place whether or not it is part of a pattern of criminal behaviour, the intent, the harm which was, or could have been caused and any other factors which might be relevant. Where an Individual has been convicted of a criminal offence, the Council cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)]

**13.** The Council has adopted the following guidelines relating to the relevance of Convictions to which it refers in determining Applications for Licences and when considering whether to take any action against an existing Licence Holder, and references to the grant of a licence in these guidelines shall be construed accordingly.

**14.** The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an Individual. If an Individual has a Conviction for an offence not covered by the guidelines regard will be added to the factors at paragraph 12 when deciding whether any action should be taken.

**15.** Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

**16.** The guidelines are not an attempt to define what a "fit and proper person" is.

**17.** Any Individual who is refused a Licence or has such a Licence suspended or revoked has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

## **GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS AND OTHER INFORMATION**

### **General Policy**

**1.** Each case will be decided on its own merits.

**2.** The Council has a duty to ensure so far as possible that drivers are fit and proper persons to hold Licences. One aspect of that is the extent to which previous Convictions, including but not limited to



Convictions for offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.

**3. The Council has a duty to take into account any complaints made to the Council, Police, licensed Operators or any other agency, breaches of licensing conditions and any intelligence received from other agencies (including circumstances which have not resulted in a criminal Conviction or other disposal, e.g.**

a) incidents that have resulted in a police investigation where there has been no further action due to the criminal burden of proof will still be considered if the Council is satisfied that the incident occurred based on the balance of probabilities.

b) Incidents that have resulted in the suspension or revocation of a licence which has been issued by another Council.

**4.** Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal court system. The Council recognises that restorative justice and other out of court disposals tend to be applied in less serious cases or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.

**5. An Individual with a Conviction for a serious offence need not be automatically barred from obtaining a Licence, but would normally be expected to:**

- a) Remain free of Conviction for an appropriate period; and
- b) how adequate evidence that he or she is a fit and proper person to hold a Licence (the onus is on the Applicant to produce such evidence). A person with a Conviction for a single serious offence or a number of separate offences is not barred from applying for a private hire or hackney carriage driver Licence, but would normally be expected to remain free from Conviction for an appropriate period (which will depend on the nature of the offence.)
- c) Simply remaining free of Conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a Licence.

**6.** Some discretion may be appropriate if the offence is an isolated one with mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. (In any case which involves certain specified sexual offences, murder or manslaughter a Licence will normally be refused.)

**7.** In relation to the period that a driver is expected to remain free of Conviction as detailed in paragraphs A-D and F, if an Applicant has more than 1 Conviction for any of the offences listed, the period free of Conviction will increase by 1 year per additional offence.

**8. Where the Licensing Committee convene to consider an Application they may do so by:**

- a) Hearing with notice – Notice of the time and date when a committee will be convened will be given to the Applicant ahead of the date listed in order to allow the person to seek independent legal advice and to attend and be represented at the hearing. The procedure to be followed will be provided to the Applicant with the notice.
- b) Ex-parte hearing – which will take place in accordance with the Ex-parte hearings policy. In exceptional circumstances relevant information will be assessed to balance a person's right to a fair hearing against whether or not it is in the public interest to hold the hearing ex-parte.

**9.** Where new offences are created or existing offences are consolidated or re-enacted etc. they will be treated in a manner appropriate to their severity whether or not this guidance has been updated to reflect the changes.

**10.** The following examples afford a general guide on the action, which might be taken where Convictions are disclosed.

**A. OFFENCE OF DISHONESTY**

Applicants are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.

Passengers may include especially vulnerable people and children.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing, passengers may include especially vulnerable people. In certain situations drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station.

The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.

For these reasons a serious view is taken of any Convictions involving dishonesty.

In general, a minimum period of 5 years free of conviction should be required before granting a Licence.

Offences involving dishonesty include (but are not limited to);

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods

- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- And any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A Licence will not normally be granted if an Applicant has more than one Conviction for a dishonesty offence.

Applicants that are found to have intentionally misled the council, or lied as part of the Application process, will not be issued with a Licence.

## **B. VIOLENCE (OTHER THAN SEXUAL AND INDECENCY OFFENCES)**

Licensed drivers have close, regular contact with the public. A firm line is to be taken with those who have Convictions for offences involving violence. An Application will normally be refused if the Applicant has a Conviction for an offence that involved the loss of life.

Unless there are exceptional circumstances a Licence will not normally be granted where the Applicant has a Conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A Licence will not normally be granted where the Applicant has a Conviction for an offence or similar offence(s) which replace the below offences and the Conviction is less than 10 years prior to the date of Application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent

- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault with racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A Licence will not normally be granted where the Applicant has a Conviction for an offence or similar offence(s) which replace the below offences and the Conviction is less than 5 years prior to the date of Application:

- Racially aggravated criminal damage
- Racially aggravated offence
- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A Licence will not normally be granted if an Applicant has more than one Conviction for an offence of a violent nature.

### **C. DRUGS**

An Application from an Individual who has a Conviction related to the supply, intent to supply or production of drugs and the Conviction is less than 10 years prior to the date of Application will generally be refused.

An Application from an Individual who has an isolated Conviction for an offence related to the possession of Class A drugs or permitting premises to be used for drug activity within the last 7 years will generally be refused. A Conviction less than 10 years old will be referred to the Committee for determination.

An Application from an Individual who has an isolated Conviction for an offence related to the possession of Class B drugs within the last 5 years will generally be refused. A Conviction less than 7 years old will be referred to the Committee for determination.

An Application from an Individual who has an isolated Conviction for an offence related to the possession of Class C drugs within the last 3 years will generally be refused. A Conviction less than 5 years old will be referred to the Committee for determination.

An Application will normally be refused where the Individual has more than one Conviction for a drugs related offence

If any Applicant was an addict, then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment as required by the Council.

#### **D. SEXUAL AND INDECENCY OFFENCES**

As licensed drivers often carry unaccompanied and vulnerable passengers, the licensing authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences will be considered as serious. Applicants with Convictions for sexual or indecency offences that involve a third party will normally be refused a Licence. Such offences include but are not limited to...

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Possession of indecent photographs, child pornography etc.
- Indecent exposure
- Soliciting (kerb crawling)
- Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver

Any Individual currently on the sex offenders' register would not normally be granted a Licence. Intelligence and other information which has not resulted in a criminal conviction.

The Council will sometimes be made aware of other intelligence or low-level information about an Individual which has not resulted in the conviction of that person but is relevant in relation to their character. Officers will consider this information and will seek to consult with other appropriate agencies to ensure that they have a comprehensive understanding. Any additional information gathered through this process may then be taken into account.

## **E. MOTORING CONVICTIONS**

### **I. Major Traffic Offences**

- a) An isolated Conviction, without disqualification, for an offence such as dangerous driving will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of drivers. However, where the Conviction is within 3 years prior to the date of the Application the Application will normally be refused.
- b) Applications where there is more than one Conviction for this type of offence within the last 5 years will normally be refused
- c) A list of offences to which this paragraph applies is attached as Appendix I.

### **2. Minor Traffic Offences**

- a) Isolated Convictions for minor traffic offences should not normally prevent an Application from being granted. However, the number, type and frequency of this type of offence will be taken into account. In particular, an Application will normally be refused where the Applicant has 12 or more penalty points on his DVLA Licence (whether or not the Applicant was convicted by a court for the offences for which the points were imposed) or where the Applicant has more than one Conviction for this type of offence within the last 12 months, they will be expected to show a period free of conviction of at least 6 months
- b) A list of offences to which this paragraph applies is attached as Appendix II.

### **3. Hybrid Traffic Offences**

Offences of the type listed in Appendix III will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or less penalty points for the offence.

### **4. Disqualification**

- a) Major Traffic Offence

An application will generally be refused unless a period of 3 years free from conviction has elapsed from the restoration of the DVLA licence, and 5 years where the disqualification relates to driving whilst unfit through drink or drugs.

- b) Minor Traffic Offence

An application will generally be refused unless the individual can show a period free from conviction has elapsed from the restoration of the DVLA licence which is equal to the period of disqualification imposed by the court i.e. 3 month disqualification = 3 month period free from conviction. Where no disqualification has been given the period free from conviction will be determined by reference to the period(s) free from conviction for a minor traffic offence(s).

### **c. Hybrid Traffic Offence**

An application will generally be refused unless the individual can show a period free from conviction has elapsed from the restoration of the DVLA licence which is twice the period of disqualification imposed by the court. e.g. 3 month disqualification = 6 month period free from conviction. Where no disqualification has been given the period free from conviction will be determined by reference to the period(s) free from conviction for hybrid traffic offence(s).

## **5. Totting Up**

TT99 Totting up – if the total of penalty points reaches 12 or more within 3 years the driver is liable to disqualification by the Court.

## **6. Totting up With Disqualification**

An application will generally be refused unless the individual can show a period of at least 12 month free from conviction has elapsed from the restoration of the DVLA licence.

Where any of the offences which contribute to a totting up disqualification are a Major Traffic Offence the Council will consider the application under “Disqualification – major traffic offence”

## **7. Totting up without Disqualification**

In “totting-up” cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver the Council is likely to refuse driver’s Licence because different criteria apply and an Applicant will normally be expected to show a period of at least 12 months free from Conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

In these circumstances the Council will consider the application as a disqualification for the most serious of the offences contributing to the totting up (e.g. where the offences contributing to the totting up are SP30, SP80 and IN10 the Council would consider IN10 under ‘Disqualification – Major Traffic Offence’).

## **F. Offences under the Town Police Clauses Acts and part 11 of the Local Government (Miscellaneous Provisions) Act 1976**

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (“the Acts”) is to ensure the protection of the public. For this reason, a serious view is taken of Convictions for offences under the Acts (including illegally plying for hire) when deciding whether an Applicant is to be treated as a fit and proper person to hold a Licence.

An Applicant will normally be refused a Licence where (s)he has been Convicted of an offence under the Acts at any time during the 2 years preceding the Application or has more than one Conviction within the last 5 years preceding the date of the Application.

### G. Drunkenness

- a) Not in a motor vehicle
- b) An isolated Conviction for drunkenness need not debar an Applicant from being granted a Licence. In some cases, a warning may be appropriate. However, more than 1 Conviction in the last 2 years will merit a refusal.
- c) In addition the Applicant will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

### H. Spent Convictions

By virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002 taxi drivers are an exempted occupation for the purposes of the 1974 Act and convictions are therefore never spent.

The Council will only consider spent Convictions if it appears to be relevant for deciding whether the Applicant is a fit and proper person to hold a Licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent Conviction. The council will in its consideration the nature of the offence(s), the history or pattern of offending, the lapse of time and whether all the convictions have previously been considered.

## MAJOR TRAFFIC OFFENCES

(Paragraph (E,I) refers)

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of court
BA30	Attempting to drive while disqualified by order of court
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for analysis
CD71	Causing death by careless driving then failing to provide a specimen for analysis



CD90	Causing death by driving; unlicensed, disqualified or uninsured drivers
CU80	Using a mobile phone whilst driving a motor vehicle
D10	Causing serious injury by dangerous driving
D40	Dangerous driving
D60	Manslaughter or culpable homicide while driving a vehicle
D80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive when unfit through drugs
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive  Failure to provide a specimen for drug analysis in circumstances other than driving or attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
N10	Using a vehicle uninsured against third party risks
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver etc.
UT50	Aggravated taking of a vehicle

#### **Aiding, abetting, counselling, or procuring**

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

**Causing or permitting**

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

**Inciting**

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)

**MINOR TRAFFIC OFFENCES**

(Paragraph (E,II) refers)

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street Offences
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a "Stop" sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

**Aiding, abetting, counselling or procuring**

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

**Causing or permitting**

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

**Inciting**

Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)

## HYBRID TRAFFIC OFFENCES

(Paragraph (E,III) refers)

CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
LC20	Driving otherwise than in accordance with a Licence
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Undefined speed limit offence

### Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

### Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

### Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

## Appendix 13 How to pay

Follow this link - [your.burnley.gov.uk](https://your.burnley.gov.uk) then click the **Services** tab > select the option for **Taxi Licensing** and then **Taxi Licensing Payment**.

You will then be required to register / login with your username and password or you can continue without an account.

You will need to provide some basic contact details. All fields marked with a star (\*) must be completed.

From the **Licence Details** page, you will need to select a payment option. For badges or replacement badge holders/lanyards, select either Private Hire or Hackney **Driver Fees** and for plates or replacement stickers, select either Private Hire or Hackney **Vehicle Fees**.

You will then need to provide further details regarding yourself/your vehicle and will be given the option to order any additional lanyards/badge holders/plate holders/stickers. Please note, a badge holder and lanyard are provided free with new badge applications only. Door stickers x 2 are provided free with new plate applications only.

Once you have completed your payment options, you will be taken to the final payment screen to make your payment. You will receive a receipt number and a copy of your receipt will be e-mailed to you on completion.

When we have received your payment and your application has been processed, you will be contacted by telephone or e-mail to arrange collection of your documents from our Contact Centre on Parker Lane.

Collections are Monday to Friday, 9am - 5pm.

## Appendix 14 Conditions Relating to Private Hire Driver's Licences

### Definitions

"The Council" means the Council of the Borough of Burnley.

"The identification plate" means the plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle.

"The operator" means a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

"The proprietor" has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

"Taximeter" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

1. The driver of a private hire vehicle shall at all times wear, whilst in the course of his duty, his private hire driver's licence to which must be affixed a passport style photograph for identification purposes. The licence must be shown, if required, to the hirer of the vehicle and to any "authorised officer" or police constable for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.
2. The driver of a private hire vehicle provided with a taximeter shall:
  - (a) as soon as the vehicle is hired by distance and before beginning the journey, bring the machinery into action by moving the said key, flag or other device, so the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - (b) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957 and also at any other time at the request of the hirer.
3. The driver of a Private Hire vehicle shall not tamper with or permit any person to tamper with, any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
4. The driver of a Private Hire vehicle shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the carriage except with the consent of the Council.
5. The driver of a Private Hire vehicle shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
6. The driver of a Private Hire vehicle shall not at any time smoke tobacco or like substance or permit any passenger to smoke tobacco or like substance.

7. The driver of a Private Hire Vehicle shall not, except with the express consent of the hirer, play any radio or sound reproducing equipment in the vehicle other than for communicating with the operator.

8. The driver of a Private Hire vehicle who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

9. The driver of a Private Hire vehicle when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

10. That the driver of a Private Hire vehicle shall not convey to permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage

11. The driver's badge provided by the Council shall be worn by the driver of a Private Hire vehicle in such position and manner as to be plainly and distinctly visible

12. When picking up the hirer, the driver shall make his presence known in person and shall not attract the hirer's attention by sounding the car horn, shouting or making any other disturbing noise.

13. The licensee shall not while driving or in charge of a Private Hire vehicle:

a) tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or

b) cause or procure any other person to tout or solicit on a road or any other public place, any person to hire or be carried for hire in any private hire vehicle,

**or**

c) offer that vehicle for immediate hire while the licensee or that vehicle is on a road or other public place provided that merely parking that vehicle on a road or other public place shall not of itself be deemed to be a breach of this condition,

**or**

d) accept an offer for the immediate hire of that vehicle while the licensee or that vehicle is on a road or other public place except where such offer is first communicated to the licensee by telephone, data system or by radio apparatus fitted to that vehicle.

14. The driver of a Private Hire vehicle so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the vehicle:

a) convey a reasonable quantity of luggage;

b) afford reasonable assistance in loading and unloading

- c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such a person.

15. The driver will ensure that a copy of the fare table in a form approved by the Council is exhibited inside the vehicle at all times the vehicle is being used for hire. The card must not be concealed from view, allowed to become defaced or rendered illegible.

16. The driver shall not demand from any hirer of a private hire vehicle a fare in excess any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter

17. The driver shall if requested by the hirer of a private hire vehicle provide him with a written receipt for the fare paid.

18. The driver of a private hire vehicle shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein

19. The driver of a private hire vehicle shall, if any property accidentally left therein by any person who may have been conveyed in the vehicle be found by or handed to him carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a Police Station within the district and leave it in the custody of the officer in charge of the station on his giving a receipt for it

20. The driver of a private hire vehicle shall, when required to do so by an authorised officer of the Council, return the driver's badge and licence to the Principal Licensing Officer and obtain a receipt for it

21. The driver of a private hire vehicle shall not permit any person to be conveyed in the vehicle without the consent of the hirer

22. The driver of a private hire vehicle shall not wilfully or negligently cause or suffer any licence plate to be concealed from public view while the vehicle is being used for the purpose of hire

23. A licensed driver must inform the Licensing Team immediately in writing and in any case not more than 7 days after the event if he / she changes operator

24. The driver of a private hire vehicle must, within **48 hours**, disclose to the Council in writing, details of any convictions, cautions, **arrest, investigation, interview (including voluntary interview)** or penalty notices for criminal or motoring offences and any pending prosecutions for such types of offences since the issue of his private hire driver's licence

25. The driver of a private hire vehicle must, within 7 days, inform the Council of any change of his home address.
26. The driver of a private hire vehicle shall report to the Council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to such private hire vehicle causing damage materially affecting the safety, performance or appearance of the Hackney Carriage or the comfort or convenience of persons carried therein. Compliance with this condition does not exempt the proprietor from his statutory liability to report accidents to the Police.
27. The driver of a private hire vehicle must inform the Council without delay about the onset or worsening of any health condition likely to cause them to be a source of danger to the public when driving either now or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, angina, "coronaries", high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug taking and loss of limb.

THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED – THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF DISABILITIES

Temporary conditions, other than recurrent ones, not expected to last more than three months, such as a sprained ankle or fractured arm, need not be reported.

Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.



## Appendix 15 Private Hire Law – Offences Related to Private Hire Vehicles

S.46	<p>1) It is an offence under this section to: -</p> <ul style="list-style-type: none"> <li>a) Use a Private Hire vehicle without a vehicle licence (Owner)</li> <li>b) Drive a Private Hire vehicle without a licence</li> <li>c) Employ a driver who does not have a licence</li> <li>d) Operate a vehicle without an Operators licence</li> <li>e) Operate a vehicle without a vehicle licence or without the driver having a Private Hire drivers licence</li> </ul>
S.48	<p>6) It is an offence under this section to: -</p> <ul style="list-style-type: none"> <li>a) Use, or permit to be used a licensed Private hire vehicle that does not have the plate issued by the Council correctly displayed</li> </ul>
S.49	<p>(1) It is an offence under this section to: -</p> <ul style="list-style-type: none"> <li>a) Fail to inform the Council in writing within 14 days of the name and address of the person to whom they have sold a licensed Private Hire or Hackney Carriage vehicle.</li> </ul>
S.50	<p>It is an offence under this section to: -</p> <ul style="list-style-type: none"> <li>1) Fail to present a vehicle for test at the date and time specified by the Council.</li> <li>2) If requested, fail to state in writing the address of every place where a licensed vehicle is kept when not in use and if required allow the vehicle to be inspected and tested there.</li> <li>3) Fail to inform the Council within 72 hours of any accident to a licensed vehicle causing damage materially affecting its safety, performance or appearance or the comfort or convenience of passengers.</li> <li>4) Fail to produce for inspection the vehicle licence and insurance certificate to an officer of the Council, when requested.</li> </ul>
S.53	<p>3) It is an offence under this section for a driver of a licensed vehicle to:</p> <ul style="list-style-type: none"> <li>a) Fail to produce their licence at the Council offices within 5 days if requested to by an officer of the Council.</li> <li>b) Fail to produce their licence at the Police Station within 5 days if requested to by a constable</li> </ul>

S.54	(2) It is an offence under this section for a licensed driver to: - a) Fail to wear their licence badge in a <b>plainly and distinctly visible</b> position whilst working.
S.56	It is an offence under this section for a licensed operator to: - 2) Fail to keep appropriate records of each journey, fail to produce such records when requested to by an officer of the Council or a constable. 3) Fail to keep records as required by licence conditions, relating to each vehicle operated by him, fail to produce such records when requested to by an officer of the Council or constable. 4) Fail to produce for inspection when requested by an officer of the Council or constable, their Operators licence.
S.58	2) On the expiry or suspension of a vehicle licence it is an offence to: - a) Fail to return the licence plate of the vehicle within 7 days of the service of a notice.
S.64	1) It is an offence under this section for any person to cause any vehicle other than a Hackney Carriage to wait on a Hackney Carriage rank
S.66	1) It is an offence under this section, if a person uses a Hackney Carriage as a Private Hire vehicle, to charge at a greater rate than that provided for in the table of fares and the journey shall be calculated from the point at which the hirer was picked up.
S.67	1) It is an offence under this section, if a person uses a Hackney Carriage as a Private Hire vehicle, to charge at a greater rate than that provided for in the table of fares and the journey shall be calculated from the point at which the hirer was picked up.
S.69	1) It is an offence under this section for a Hackney Carriage to: - Unnecessarily prolong, in distance or time a passenger hiring.
S.71	(1) It is an offence under this section to: - Use a Private Hire vehicle with a taximeter unless the meter has been tested and approved by the Council. (2) Tamper with a taximeter, alter a taximeter or allow his vehicle to be used with a meter not approved by the Council.
S.73	(1) It is an offence under this section to: - a) Obstruct an officer of the Council or constable. b) Fail to comply with a request of an officer or constable.

	<p>c) Fail to give an officer or constable information or assistance to allow him to carry out his function.</p>
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	<p>(2) If any person gives false statement relating to a, b or c above, he shall be guilty of an offence.</p>
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**Appendix 16 Hackney Law - Offences relating to Hackney Carriages**

S.44	It is an offence under this section for the proprietor of a Hackney Carriage to fail to notify the Council of any change of abode
S.45	It is an offence under this section to ply for hire without a Hackney Carriage licence or not to display the licence number
S.52	This section requires the number of persons to be carried marked on the vehicle. If the vehicle is not so marked or the driver refuses to carry that number or less an offence is committed.
S.53	It is an offence under this section for the driver of a Hackney Carriage stood at a taxi rank to refuse to drive to any place within the Borough.
S.54	It is an offence under this section for more than the sum agreed to be demanded.
S.55	It is an offence under this section to accept, even by agreement, more than the legal fare for the journey.
S.56	It is an offence under this section, where it has been agreed to carry a passenger a distance for a fixed fee, to fail to carry the passenger for that distance.
S.59	It is an offence under this section to allow passengers to ride in the vehicle without the consent of the person who has hired the vehicle.
S.60	It is an offence under this section for an authorised person to drive or to allow an unauthorised person to drive a Hackney Carriage
S.61	It is an offence under this section for the driver of a Hackney Carriage to be drunk whilst driving or to injure or endanger any person.
S.62	It is an offence under this section for the driver of a Hackney Carriage to leave his vehicle in the street without someone proper to take care of it.
S.64	It is an offence under this section for a driver to obstruct another driver.

**Appendix 17 Hackney Carriage Conditions of Fitness**

In the Council's view this policy is compatible with the rights and freedoms under the European Convention and Human Rights. This policy aims to provide guidance to all parties with an interest in hackney carriage vehicle licensing thereby providing transparency and consistency.

In this document the 'Council' means Burnley Borough Council (BBC)

In this document the term "approved" or "approved by BBC" means approved by Burnley Borough Council.

A 'licence' and 'licensed' (and cognate expressions) refer to the granting of a licence by BBC under section 37 of the Town Police Clauses Act 1847 and section 47 of the Local Government (Miscellaneous Provisions Act 1976)

The Conditions of Fitness (CoF) in this document set out the conditions of fitness that must be met by any Hackney Carriage vehicle to be licensed as such in Burnley. BBC reserves the right to amend the COF should there be situations which require it, such as amendments to national or international laws with respect to road vehicles or air quality.

These may include for example, changes arising from disability legislation or the implementation of European emissions and air quality laws or changes to taxi licensing legislation.

No vehicle will be licensed as a hackney carriage vehicle unless it is fit for purpose and conforms to the requirements in this document unless the Council exempts a vehicle from those requirements after a request by an applicant and where, having regard to the exceptional circumstances it considers it reasonable to do so.

**Procedure to be followed by manufacturers and proprietors who wish to licence for the first time a vehicle (not previously licensed) as a hackney carriage in Burnley.**

**1. Approval for new vehicles that may be suitable to be licensed as a Hackney Carriage vehicle in Burnley**

**1.1** Consideration for the approval of a new type of vehicle that may be suitable to be licensed as a Hackney Carriage vehicle must be made in writing to BBC and must be accompanied by documentary evidence that it complies in all respects with the following:

- i. All respects of the requirements of the Motor Vehicle (Type Approval) Regulations 1980
- ii. The Motor Vehicle (Type Approval) Regulations (Great Britain 1984)
- iii. The Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable.
- iv. The Road Vehicles (Construction and Use) Regulations 1986 (C & U).
- v. All respects of British and European vehicle regulations and be "type approved" to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended.

vi. Note: If a vehicle has not been “type approved” to the M1category (e.g. conversions) approved certification be provided that confirms that the specific vehicle meets the requirements of that category vii. The vehicle must be able to facilitate the carriage of disabled persons and of accommodating a disabled person in a wheelchair (as stipulated in section14 of CoF ) in the passenger compartment.

**1.2** Maximum and minimum age of vehicles please refer to 3a of the CoF

**1.3** Vehicles will be allocated an appointment date and time for an inspection to be carried out by BBC or their approved agent. If the vehicle conforms to the approved type a ‘certificate of approval’ will be issued by or on behalf of BBC.

**1.4** Alterations and Modifications following vehicle approval inspection– a request in writing fully specifying the proposed alterations /modifications to the approved vehicle must be made in writing to BBC. Prior written approval from BBC for the specified alterations/modifications must be obtained prior to any work being carried out on the vehicle.

**1.5** Renewal of vehicle licence –the approved vehicle may be renewed in line with the normal renewal application process

#### Index to terminology

\*DfT reference wheelchair – is the standard size set by DfT detailed within the ‘Public Service Vehicle Accessibility regulations 2000 guidance

\*\*Squab – refers to the seat cushion the passenger sits on. The measurement is taken from the centre of the seat cushion outwards into the vehicle to ensure enough distance between facing seats to accommodate a seated person (room for knees)

General Construction	
<b>1</b>	<b>The vehicle will comply with:</b>
a	All respects of the requirements of the Motor Vehicle (Type Approval) Regulations 1980
b	The Motor Vehicle (Type Approval) Regulations (Great Britain 1984)
c	The Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable.
d	The Road Vehicles (Construction and Use) Regulations 1986 (C & U).
e	All respects of British and European vehicle regulations and be “type approved” to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended.

f	Note: If a vehicle has not been “type approved” to the M1 category (e.g., conversions) approved certification must be provided that confirming that the specific vehicle meets the requirements of that category
<b>2</b>	<b>Radio Apparatus</b>
	The vehicle must be able to facilitate the carriage of disabled persons and of accommodating a disabled person in a *DfT reference wheelchair in the passenger compartment 3 a
<b>3</b>	<b>Maximum Age of Vehicles</b>
a	The vehicle must comply with Burnley Borough Council age/ emissions policy. (The Committee will give consideration to retention or amendment of the current age policy and to the introduction of a suitable emissions policy)
<b>4</b>	<b>Steering</b>
a	The steering wheel must be on the offside of the vehicle
<b>5</b>	<b>Modifications/Additional Equipment</b>
a	No equipment and or fittings, other than those approved may be attached to, or carried on the inside or outside of, the vehicle
b	No modifications may be carried out to the vehicle without prior written approval of the Council. Written proposals for any vehicle modification should include appropriate information from the vehicle manufacturer that the modification can be accomplished without compromising the vehicle specification
<b>6</b>	<b>Tyres</b>
a	Vehicles must have tyres that comply with the relevant legislation Specifically, re-tread tyres must comply with BS AU 144E as amended and be marked accordingly.
b	Tyres should be of the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer.
<b>7</b>	<b>Brakes</b>
a	The vehicle must have an anti-lock braking system fitted
<b>8</b>	<b>Interior Lighting</b>
a	The vehicle must be fitted with adequate lighting for the driver and passengers
b	The vehicle must be fitted with separate lighting controls for both passenger and driver.
c	The vehicle passenger compartment will have an illuminated control switch fitted, which is within reach of wheelchair passengers
d	The vehicle should have lighting provided at floor level to each passenger door, which is activated by the opening of the doors
<b>9</b>	<b>Electrical Equipment</b>
a	Any additional electrical installation and/or after-market components, used within the vehicle, must meet the requirements of the relevant Automotive Electro Magnetic Compatibility (EMC) Directive, as amended, and be marked accordingly.
<b>10</b>	<b>Fuel Systems</b>

a	The vehicle must have a device provided whereby the supply of fuel to the engine may be immediately cut off.
b	If a manually operated device is fitted, the location together with the means of operation and “off” position must be clearly marked on the outside of the vehicle? In the case of a vehicle fitted with an automatic inertia fuel cut off switch, no markings are required.
c	Where the engine is powered by liquid petroleum gas (LPG), compressed natural gas (CNG), liquid natural gas (LNG), petrol or any combination of these fuels, the vehicle must be fitted with an automatic inertia fuel cut off device.
d	The vehicle must have a manually operated fuel cut off device externally mounted which is easily visible and readily accessible at all times from the outside of the vehicle with its location and means of operation clearly marked
e	Where a conversion to LPG has been undertaken ‘post’ manufacturing the Council will only licence such vehicles where the applicant is able to produce an LP Gas Association Conversion Certificate in relation to the vehicle. (photocopies will not be accepted) In all cases any certificate of insurance produced in support of an application must indicate that the vehicle is insured to run on LPG
<b>11</b>	<b>Exhaust Emission Standards</b>
a	When a vehicle is first licensed (including a replacement vehicle) it is expected to meet (and maintain) the current or immediate previous Euro emission standard. This standard must b
<b>12</b>	<b>Body</b>
a	The body must be on the fixed head type with a partially glazed partition separating the driver from the passenger
b	The overall length must not exceed 5 metres. This is essential for determining the size of taxi ranks, other pickup points and for the free access and flow of other vehicles.
<b>13</b>	<b>Facilities for the Disabled</b>
a	Every taxi must be equipped to approved standards in order that wheelchair passengers may be carried.
b	The vehicle must have <ul style="list-style-type: none"> <li>i. anchorages provided for wheelchair tie downs and the wheelchair passenger restraint</li> <li>ii. anchorages that are either chassis or floor linked and capable of withstanding approved dynamic or static tests</li> <li>iii. anchorage restraints for wheelchair and occupant independent of each other</li> <li>iv. anchorages provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment</li> <li>v. anchorages and restraints designed so that they do not cause any danger to other passengers</li> </ul>
c	The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm and have a minimum angle of a hinged door when opened must be 90 degrees
d	The clear height of the doorway must not be less than 1.2 metres



e	Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour
f	The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements: <ul style="list-style-type: none"> <li>i. be not more than 380mm from the ground, (measured at the centre of the tread width)</li> <li>ii. the surface shall be covered in a slip-resistance material have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering</li> </ul>
g	Should any entrance be more than 380mm from the ground, an external interim step must be available when the associated passenger door is opened and comply with the following requirements <ul style="list-style-type: none"> <li>i. not be more than 380mm in height from the ground, (measured at the centre of the step width)</li> <li>ii. be not less than 250mm deep</li> <li>iii. the surface shall be covered in a slip-resistant material</li> <li>iv. have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering</li> <li>v. not be capable of being operation whist the vehicle is in motion</li> <li>vi. if automatic or powered be fitted with a safety device, which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction if that motion could cause injury to the passenger</li> <li>vii. can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is folded or retracted</li> </ul>
h	Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level
i	Where all seats are place facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each **seat squab, measured along a horizontal plane at the centre of the cushion
j	A ramp for the loading of a wheelchair and occupant, which is available at all times for use, as a minimum, at the nearside passenger door. The ramp must have a safety lip, be 70cm wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely away when not in use.
<b>14</b>	<b>Passenger Comfort</b>
a	When fitted, occasional seats must be at least 40cm in width and the distance from the back of the upholstery to the front edge of the seat must not be less than 35.5cm
b	Occasional seats must be so arranged as to rise automatically when not in use. They must be placed at least 4cm apart. When not in use, they must not obstruct doorways.

c	Suitable means must be provided to assist persons to rise from the rear seat, with particular attention to the needs of the elderly and disabled.
d	The rear seat dimensions must be adequate to carry the appropriate number of adult passengers comfortably
e	Lap and diagonal seatbelts must be fitted on all seats (including rear facing seats)
f	Head restraints must be fitted to all (forward and rear facing seats. The design of headrests should maximise the rear sightedness for the driver when any of the passenger seats are not occupied.
g	An induction loop system (or equivalent) must be fitted.
<b>15</b>	<b>Drivers Compartment</b>
a	The driver's compartment should be designed so that the driver has adequate room, can easily reach, and quickly operate, the controls.
b	Controls should be placed to allow reasonable access to the driver's seat, when centrally placed, and be properly protected from contact with luggage
c	The vehicle must be provided with an approved means of communication between the passenger and the driver. If a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5cm
d	Where a single-piece partition is fitted, a facility must be provided for making payment to the driver
e	The headrests should maximise rear sightlines for the driver, when any of the passenger seats are not occupied.
f	The vehicle must have an adequate heating and ventilation system provided for the driver and passengers and an independent control by the driver and for the passengers all switches must be within easy reach of seated passengers, including those in wheelchairs
<b>16</b>	<b>Driver Visibility</b>
a	The vehicle should be fitted with a single piece, full-width, rear window
<b>17</b>	<b>Passenger Visibility</b>
a	The windows should maximise passenger visibility into and out of the vehicle. The top of the window line for front and side windows, when measured vertically to the top of the visible portion of the glass, must not be less than 780mm on any glass panel forward of or beside the seated passenger. The vertical distance is to be measured through the E point as defined in Directive 77/649/EEC, from the top of the uncompressed rear forward facing passenger seat cushion to the first point of totally obscured glass. Manufacturers are to declare conformity to this condition by way of a drawing. The bottom of the window area in the passenger comp
b	Windows must permit maximum visibility into and out of the vehicle. They must have a light no more than 25% tint value
c	Windows must be capable of being opened easily by passengers, including those in wheelchairs, when seated. The control for opening a window must be clearly identified to prevent being mistaken for any other control
d	A proportion of the window area in the passenger compartment must be able to be opened by the passenger

<b>18</b>	<b>Heating and Ventilation</b>
a	An adequate heating and ventilation system must be provided for the driver and passengers and means provided for independent control by the driver and the passengers. All switches must be within easy reach of seated passengers, including those in wheelchairs.
<b>19</b>	<b>Door Fittings</b>
a	An approved type of automatic door securing device must be fitted to passenger doors to prevent them from being opened when the vehicle is in motion. When the vehicle is stationary the passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of a latch mechanism. The door must not open from the inside if the driver has the foot brake depressed. The interior door handle must be clearly identified to prevent it being mistaken for any other control.
<b>20</b>	<b>Fare Table</b>
a	A frame must be provided for the fare table fixed in an approved place
<b>21</b>	<b>Floor Covering</b>
a	The floor of the passenger compartment must be covered with a slip resistant material, which can be easily cleaned. The floor covering must not impede the movement of wheelchairs. The colour of the floor must contrast with any up-stand areas around it and with the colour of the seats.
<b>22</b>	<b>Luggage</b>
a	Suitable dedicated provision for the secure carriage of luggage should be made, separated from the passenger compartment and proportionate to the number of passengers carried.
<b>23</b>	<b>Taxi Sign</b>
a	The vehicle must display a "Taxi" sign, approved by the Council which can be clearly visible both by day and night when the taxi is available for hire
<b>24</b>	<b>Radio Apparatus</b>
a	The vehicle must be suitable for the fitting of radio equipment NB. The equipment fitted must have been approved by the council

## Appendix 18 HMRC Tax Check

What you need to do will depend on whether you're applying for a licence for the first time or whether you're making a subsequent application, such as renewing a licence.

**Getting a new licence:** If you are applying for a licence for the first time, you will not need to complete the tax check. However, you will need to read HMRC guidance on what you need to do to be properly registered for tax in the future and you'll need to confirm you have done this. To access this guidance, please visit:

[Confirm your tax responsibilities when applying for a taxi, private hire or scrap metal licence - GOV.UK](https://www.gov.uk/guidance/confirm-your-tax-responsibilities-when-applying-for-a-taxi-private-hire-or-scrap-metal-licence)

[www.gov.uk](http://www.gov.uk)

**Renewing a licence:** If you renew or apply for a subsequent licence with a different local authority, you'll have to do a tax check. You'll be able to do this online through a digital service.

For guidance on the tax checks, please visit:

[Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/how-to-complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence)

## **Appendix 19 A Guide to Hackney Carriage and Private Hire Driver's 3 Year Licence Applications**

Applications are subject to the following pre-application requirements This includes a requirement for refresher safeguarding training, a refresher Safer Cabbying assessment and a HMRC tax check, or for new applicants, confirmation that you understand the HMRC tax requirements. You must submit the following information with your new or renewal driver application

- A fully completed application form
- Evidence of age (You must be over 21)
- Evidence of a valid DVLA driver licence, held for at least 12 months
- Evidence that you have successfully complete the Council's approved online Safeguarding Awareness Training or refresher course
- Evidence that you have successfully passed the Council's face to face Safer Cabbying assessment in the period leading up to application
- HMRC Tax check code
- Enhanced DBS check, and evidence of sign up to the DBS Update Service ie DBS reference code
- A new medical certificate
- 1 passport size photograph of yourself
- Proof of your right to work in the UK

Applications will not be accepted until all the above information is provided.

**Please visit our website for the most up to date application form.**

Please apply in good time, as when your current licence expires you will not be able to drive until a renewal licence is granted.

In order to make an appointment to submit your driver application, please telephone 01282 425011 or email: [licensing@burnley.gov.uk](mailto:licensing@burnley.gov.uk) or in person at the Contact Centre, Parker Lane, Burnley, BB11 2BY.

**TESTS MUST BE BOOKED TWO MONTHS BEFORE YOU INTEND TO MAKE YOUR APPLICATION.**

Booking information is here:

- Safeguarding Awareness Training course:  
<https://www.trybooking.co.uk/BAIK>

Payment is by credit or debit card direct to the provider.

Please note that in the event you do not attend the payment is non-refundable.

- Face-to-Face Safer Cabbying assessments including refreshers

- 1) Make payment for a test online: [Making a Taxi Licensing Payment - burnley.gov.uk](https://www.burnley.gov.uk)
- 2) We will use the phone number you provide to get in touch to arrange a test appointment
- 3) Test will be completed at Contact Burnley, Parker Lane, Burnley
- 4) Results will be emailed to you
- 5) The email confirming you have passed should then be included in your application pack.

Further information:

Completion of the application form:

- The application form must be completed in full.
- It includes a question as to whether you have any convictions, cautions, reprimands or warnings recorded against you for any offence, including endorsable fixed penalty tickets, motoring offences and penalty points. If you answered **YES** to the above question you must enter details in the section on the next page of the application form. Failure to declare any of the above matters, **NO MATTER HOW OLD THEY ARE**, is an offence and is likely to result in prosecution and subsequent refusal of your application.

**Note:** Notwithstanding the provisions of the Rehabilitation of Offenders Act 1974, spent convictions or cautions are, by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 disclosable for the purposes of this application unless they have been defined by the 1975 Order as being “protected”.

A copy of the 1975 Order can be downloaded free of charge at:

[www.legislation.gov.uk](https://www.legislation.gov.uk)

“IF ANY PERSON KNOWINGLY OR RECKLESSLY MAKES A FALSE STATEMENT OR OMITTS ANY MATERIAL PARTICULAR IN GIVING THE FOLLOWING INFORMATION HE SHALL, UNDER SECTION 57 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PART II, BE GUILTY OF AN OFFENCE”.

- Private Hire driver forms must be endorsed with the stamp of the licensed operator who will hire the vehicle.

**Safer Cabbying assessment:**

- Drivers need to complete the face-to-face Safer Cabbying assessment at every 3 years or at renewal whichever applies.
- Any driver who passed the online Knowledge test will also need to complete and pass the face-to-face Safer Cabbying assessment on the next renewal of the annual licence. A licence will then be issued that expires on the same date as the medical.
- The test will involve you being required to have a good knowledge of the Highway Code as well as being familiar with various locations and routes to key destinations such as hospitals, entertainment venues etc. You must also understand the requirements placed on you by the law and by the conditions that are attached to hackney carriage/private hire driver's licences.
- A practice test to familiarise you with the format of the test is available online. As are examples of the licence conditions and a summary of the legislation, which you should familiarise yourself with prior to the test. They can be found on the taxi pages of the Councils website here:

[Safer Cabbying - burnley.gov.uk](http://burnley.gov.uk)

**MEDICALS:**

- A medical form should be completed by your registered GP certifying that you are fit to drive.
- Only where your registered GP does not provide this service, are you permitted to contact an agency Doctor, who is registered with the GMC, and qualified to provide Group 2 medicals.

**DBS:**

- An enhanced DBS should be arranged with Taxi Plus. Contact details of Taxi Plus are: [www.taxiplus.co.uk](http://www.taxiplus.co.uk)

They will submit your DBS application to the Data and Barring Service electronically. Burnley Council has a dedicated page on the Taxi Plus website. Here you will find

guidance on how to pay online for your DBS check and how to begin the application process.

Information also includes details of the DBS update service subscriptions which must be completed either at the time you apply for a DBS certificate or 28 days after the date of issue of the certificate. You will be provided with a reference to show you subscribe to the update service and you will need this reference to include on your application form.

The following link can be used to arrange DBS Update Service Subscription:

<https://secure.crbonline.gov.uk/crsc/apply?execution=e4s1>

The update service is only available for enhanced DBS certificates. As part of the application process, you will need to have your identity documents verified.

At the present time this can only be done by providing copies or good quality images of your identification documents directly to Taxi Plus free of charge. Your Enhanced DBS certificate will then be processed. Once it is completed it will be posted to your home address.

- Once you have received your DBS certificate you should include it in your application pack and insert the DBS update service reference number onto the application form.

NB: By applying for a licence you will be consenting to a DBS review being carried out every 6 months.

### **Right to Work:**

A licence will not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued will expire when the right to work expires and will become invalid when a licence holder ceases to be entitled to work in the UK. Applicants must demonstrate that you have the right to work in the UK and are not subject to a condition preventing you from doing work relating to the carrying on of a licensable activity.

You can do this in one of two ways:



1) by bringing with you original documents (as determined by the Home Office) which will be copied and scanned onto our system that demonstrates your entitlement to work in the UK.

2) by providing your '**share code**' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

### **Home Office online right to work checking service.**

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at: <https://www.gov.uk/prove-right-to-work> ) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally.

The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office.

We are unable to process taxi licence applications until such time as you are able to prove your right to work. The documents you can use to demonstrate your right to work are listed in the Right to Work Appendix guidance.

**DVLA Checks:**

- By applying for a driver licence you will be consenting to your details being used to carry out DVLA checks every 12 months.

**HMRC Tax Checks:**

- First time applicants will need to sign to say they understand the tax requirements.

Further information on this, can be found here:

[Confirm your tax responsibilities when applying for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](#)

- If you have held a taxi driver or operator`s licence with any licensing authority within the last 12 months will need to complete a tax check and include the code on your application form.

Further information on tax checks can be found here:

[Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](#)

Payment:

- [Payment information](#) is also on the council`s website

**DECISION MAKING:**

The information submitted will be considered and applications granted in line with our fitness and propriety requirements which include the convictions policy available on the taxi pages of the Council`s website.

PLEASE NOTE: Licences normally last for 3 years, expiring 3 years from the date of the medical. There are some special circumstances where 12 month licences will be issued, eg medical issues.

At 3 year renewal Medicals, Safer Cabbying assessments, Safeguarding training, right to work and tax checks should be refreshed.

This means that once a licence is granted you will not normally be required to attend the Contact Centre until your licence is due for renewal.

In determining whether a person is a fit and proper person to hold a licence, in the interest of protecting the public, the Council share information with other local authorities registered with the National Anti-Fraud Network (NAFN).

This database includes the National Register of Taxi/Private Hire Licence Refusals & Revocations (NR3).

It should also be understood by any individual considering applying for a new Hackney Carriage or Private Hire Driver's licence or renewal, that Authorised Officers will conduct enforcement activities to identify non-compliance with licensing conditions and/or unlawful activity.

## Appendix 20 Private Hire Operator Licence Applications

**Applications received on or after 4<sup>th</sup> April 2022 are subject to a new pre application requirement to provide a HMRC Tax Check at renewal, or for new applicants confirmation you understand the HMRC Tax responsibilities.**

You must submit the following information with your new or renewal operator application

- A fully completed application form
- HMRC Tax check code
- Enhanced DBS check, and evidence of sign up to the DBS Update Service ie DBS reference code (unless a current driver licence is already held with Burnley Council)
- Proof of your right to work in the UK
- Proof of planning permission for the address where the business is to operate from. If the premises are to operate as a base, the planning permission will include details of parking provision arrangements for the number of vehicles intended to be used under the terms of the Operator's licence.
- Proof of holding a radio transmission licence (and planning permission for any aerial) if such radios are used by the Operator.
- A current and original insurance document for Employees/Public Liability cover. This cover must be in place when Operators are employing any full or part-time staff (e.g. radio operator, dispatcher or drivers etc).
- A passport size photograph

**Applications will not be accepted until all the above information is provided. Please apply in good time. When your current licence expires you will not be able to operate PH vehicles until a renewal licence is granted.**

In order to make an appointment to submit an operator application, please contact the Taxi Licensing Team either by telephone 01282 425011 or email [licensing@burnley.gov.uk](mailto:licensing@burnley.gov.uk) or in person at the Contact Centre, Parker Lane, Burnley, BB11 2BY. (Vehicle applications should still be made via the drop box)

Further information:

**Completion of the application form:**

- The application form must be completed in full.
- The Operator name must be unique, and limited to 20 characters.
- The name to be used on front door signage must be provided.
- It includes questions relating to previous licence refusals and revocations and whether you have any convictions, cautions, reprimands or warnings recorded against you for any offence, including endorsable fixed penalty tickets, motoring offences and penalty points.

If you answer YES to the above questions you **must** enter details in the relevant section on the application form.

Failure to declare any of the above matters, **NO MATTER HOW OLD THEY ARE**, is an offence and is likely to result in prosecution and subsequent refusal of your application.

**Note:** Notwithstanding the provisions of the Rehabilitation of Offenders Act 1974, spent convictions or cautions are, by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 disclosable for the purposes of this application unless they have been defined by the 1975 Order as being “protected”

A copy of the 1975 Order can be downloaded free of charge at [www.legislation.gov.uk](http://www.legislation.gov.uk)

**“IF ANY PERSON KNOWINGLY OR RECKLESSLY MAKES A FALSE STATEMENT OR OMITTS ANY MATERIAL PARTICULAR IN GIVING THE FOLLOWING INFORMATION HE SHALL, UNDER SECTION 57 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PART II, BE GUILTY OF AN OFFENCE”.**

**Planning Approvals:**

The Operator Licence will be attached to the main business address. Where the business is also carried on from satellite premises those addresses

should be provided. Details of planning approval for all premises to be used as either a call centre or base should be provided. Any changes to the off-street parking arrangements at bases should be subject to a variation in planning consent. Planning consent will determine the number of vehicles permitted on the operator licence. The satellite addresses will appear as 'Additional Conditions' on the Operator Licence.

**DBS:**

- Where required, an enhanced DBS should be arranged with Taxi Plus. Contact details of Taxi Plus are [www.taxiplus.co.uk](http://www.taxiplus.co.uk) They will submit your DBS application to the Data and Barring Service electronically.

Burnley Council has a dedicated page on the Taxi Plus website.

Here you will find guidance on how to pay online for your DBS check and how to begin the application process. Information also includes details of the DBS update service subscriptions which must be completed either at the time you apply for a DBS certificate or 28 days after the date of issue of the certificate. You will be provided with a reference to show you subscribe to the update service and you will need this reference to include on your application form.

The following link can be used to arrange DBS Update Service Subscription:

<https://secure.crbonline.gov.uk/crsc/apply?execution=e4s1>

The update service is only available for enhanced DBS certificates.

As part of the application process, you will need to have your identity documents verified.

At the present time this can only be done by providing copies or good quality images of your identification documents directly to Taxi Plus free of charge.

Your Enhanced DBS certificate will then be processed. Once it is completed it will be posted to your home address.

Once you have received your DBS certificate you should include it in your application pack and insert the DBS update service reference number onto the application form.

NB: By applying for a licence, you will be consenting to a DBS review being carried out every 12 months.

### **Right to Work:**

A licence will not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued will expire when the right to work expires and will become invalid when a licence holder ceases to be entitled to work in the UK.

Applicants must demonstrate that you have the right to work in the UK and are not subject to a condition preventing you from doing work relating to the carrying on of a licensable activity.

You can do this in one of two ways:

1) by bringing with you an original document (as determined by the Home Office) which will be copied and scanned onto our system that demonstrates your entitlement to work in the UK.

2) by providing your 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

#### Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their '**share code**' (provided to them upon accessing the service at: <https://www.gov.uk/prove-right-to-work> which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online

right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office.

We are unable to process taxi licence applications until such time as you are able to prove your right to work. The documents you can use to demonstrate your [right to work](#) are listed on the Operator's Licence application form.

#### **HMRC Tax Checks:**

- First time applicants will need to sign to say they understand the tax requirements, but if you have held a taxi driver or operator's licence with any licensing authority within the last 12 months will need to complete a [tax check](#) and include the code on your application form.
- Further information on tax checks can be found [here](#)

#### **Payment:**

- [Payment information](#) is also on the council's website

#### **DECISION MAKING:**

The information submitted will be considered and applications granted in line with our fitness and propriety requirements which include the convictions policy available on the taxi pages of the Council's website.



## **Appendix 21 Private Hire Operator - Pre-Licence Conditions**

### **PRE\_LICENCE CONDITIONS RELATING TO PRIVATE HIRE OPERATOR'S LICENCE MADE UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (The Act)**

#### **Interpretation**

In these pre licence conditions:-

- (a) "The Council" means Burnley Borough Council.
- (b) "the Operator" means the person to whom the Council grants a Private Hire Operators Licence to which these conditions will apply. In the case of a partnership to each of the partners. In the case of a company to each of the company directors.
- (c) Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

#### **REQUIREMENTS TO BE IN PLACE AT THE TIME OF THE APPLICATION TO BE MAINTAINED THROUGHOUT THE PERIOD OF THE LICENCE**

- 1.** The Operator must carry out his business from premises within the Borough. The premises will either be a base, where the public can make personal bookings and/or vehicles will be present from time to time, or the premises will be a stand-alone call centre/office which solely handles calls and electronic communications for the purpose of booking private hire vehicles.
- 2.** The Operator is required to provide proof of planning permission for the address where the business is to operate from. If the premises are to operate as a base, the planning permission will include details of parking provision arrangements for the number of vehicles intended to be used under the terms of the Operator's licence.
- 3.** The off-street car parking shall not be used for any purpose other than the parking of private hire (and staff) vehicles and in particular not for the repair, servicing or maintenance of vehicles.
- 4.** The Operator is required to provide proof of holding a radio transmission licence (and planning permission for any aerial) if such radios are used by the Operator.
- 5.** The Operator is required to produce a current and original insurance document for Employees/Public Liability cover. This cover must be in place when Operators are employing any full or part-time staff (e.g radio operator, dispatcher or drivers etc)
- 6.** The Council will only issue a licence to operate the number of vehicles that is authorised by planning permission as per paragraph 2 above.
- 7.** The trading name to be used by the operator should be unique and limited to 20 characters in length

**8.** The front door signage should receive the prior agreement of The Council

## **Appendix 22 Private Hire Operator Conditions**

### **REQUIREMENTS TO BE IN PLACE THROUGHOUT THE PERIOD OF THE LICENCE**

- 1.** The operator's premises shall be kept clean, adequately heated, ventilated and lit, and the operator shall ensure that any public waiting areas for the use of prospective hirers shall be provided with adequate and clean seating.
- 2.** The operator shall ensure that office staff employed by him act in a civil and orderly manner at all times.
- 3.** The operator shall comply with any reasonable requirement of the Council or any of its authorised Officers or of a Police Officer.
- 4.** The Operator must keep an accurate record of every booking that is accepted. Loss of records must be reported to the Licensing Authority within 24 hours and immediately to the police. The records must be kept at the business address/addresses at all times and must not be duplicated. All records must be in English and be permanent.
- 5.** The operator shall, before the commencement of each journey, record in a manner prescribed by the Licensing Authority, the following details of each booking:
  - (i) The time and date the booking was received and, if required, any subsequent cancellation;
  - (ii) The method by which the booking was received (e.g. telephone, email, electronic application etc.);
  - (iii) The person taking the booking (or in the case of a computer system, the identity, including the site/location of where the booking was received);
  - (iv) The time and date of the journey;
  - (v) The address/premises from which the journey will commence and the address/premises of the destination;
  - (vi) The registration and plate number of the private hire vehicle that is to be used for the booking;
  - (vii) The name, badge number and call-sign of the driver of the vehicle to be used;

(viii) Remarks, including details of any subcontracting to another licensed operator.

Each booking must be recorded consecutively in the chronological order of the time the booking was received.

If manual/paper records are used, these should be in the form of bound booklets (loose leaf ring binders are not acceptable).

If computerised records are kept, the system used must be capable of immediately printing out details of any or all bookings on request from an Authorised Officer.

**6.** The Operator shall keep a record in a format approved by the Council of the following particulars of any private hire vehicle operated and displayed on the premises:

- (a) Licence plate number
- (b) registration number
- (c) make and model of vehicle
- (d) name and address of owner of vehicle

**7.** The Licensee shall keep a record in a format approved by the Council of the following particulars of all licensed private hire vehicle drivers engaged to drive any private hire vehicle operated by him or her:

- (a) full names of the driver
- (b) full permanent address of the driver
- (c) Private Hire Driver's badge number
- (d) date employment commenced
- (e) date employment terminated.

**8.** The Operator shall inform the Council in writing or by email of any changes to the list of drivers being operated under the terms of his/her Operator's Licence as soon as possible and in any case within 7 days of such change.

- a. Prior to deploying any person to undertake 'booking/dispatch clerk' duties the operator shall require the person to obtain a basic Disclosure & Barring Service (DBS) basic disclosure check. The operator should determine that person to be fit and proper to undertake booking/dispatch office responsibilities.
- b. The operator is required to notify Burnley Borough Council and Lancashire Police in writing or by email as soon as reasonably practicable, and in any case within 1 working day, of any complaints of sexual impropriety, or behaviour

which may compromise the safety and welfare of children, received by them or their company about any of their drivers or other members of staff.

- c. The operator is required to notify the Council as soon as possible of any other complaints or information received about any of their drivers or other members of staff that may undermine their fitness or propriety.
- d. The Operator shall maintain a register of all persons employed solely to undertake the role of booking/dispatch clerk. This requirement includes dates of annual DBS reviews for as long as they remain in their employment. Their employment status i.e. full time, part time or casual staff whether paid or unpaid. Such records shall also include the employee's full name, address, date of birth and National Insurance Number together with a copy of photo identity. i.e. passport, photo driving licence.
- e. The operator shall ensure that all records include the commencement and termination of any shift or work periods for any person acting as a booking/dispatch clerk and record his/her start and finish times and dates. Manual/paper records should include the booking/dispatch clerks signature and his/her name in the private hire booking records. Computerised private hire booking records should include the booking/dispatch clerks personal username.
- f. The operator shall maintain written records of all passenger transfer contracts held by the company and make those records available for inspection by an authorised officer on request.

**For the purpose of these conditions a 'booking/dispatch clerk' is any person tasked by an operator to receive and/or record any private hire booking and/or deploy any private hire vehicle.**

9. The records in Conditions 4, 5, 6 & 7 above must be kept for a minimum period of twelve months following the date of the last entry.
10. The Operator shall produce all or any of the records specified in Conditions 4, 5, 6 & 7 above on request of any authorised officer of the Council, or of any Police Constable.
11. The Operator shall not operate any vehicle for private hire work which is not currently licensed as a Private Hire Vehicle by the Council.
12. The Operator shall ensure:
  - (a) that any private hire vehicle operated by him or her is in a suitable mechanical condition, safe, comfortable, clean and roadworthy.

(b) that the vehicle is insured at all times for the carriage of passengers for hire or reward under the terms of a private hire vehicle licence

- 13.** The Operator shall not employ whether directly or indirectly any driver to drive any private hire vehicle unless the driver has a current Private Hire Driver's Licence granted by the Council.
- 14.** This Licence only permits the Operator to operate private hire vehicles from the authorised premises mentioned in the Licence.
- 15.** The Operator shall notify the Council's Licensing Team of any material change in the particulars originally supplied to the Council when this Licence was applied for within seven days.
- 16.** The Licence is not transferable.
- 17.** The Licence is valid until the date of expiry of this licence.
- 18.** The Operator shall exhibit this Licence in a conspicuous position at the authorised premises and if these premises include an office habitually used by members of the public seeking to arrange the hiring of private hire vehicles shall exhibit this Licence in the office in a position where it may be easily read by members of the public calling at the office.
- 19.** The Operator shall cause a statement of fares to be fitted and maintained in such a position in each licensed private hire vehicle and in the operator's premises to be clearly visible at all times to the hirer. The statement shall clearly show the following:
  - a. the minimum charge of each hiring (if any)
  - b. the fare tariff
  - c. the retention charge per minute or portion thereof
  - d. any additional charges.
- 20.** The Operator shall produce this Licence on request to any authorised officer of the Council, or to any Constable for inspection.

- 21.** No operator of a private hire vehicle which is licensed by the Authority shall invite or accept a booking for such a vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking, information as to the basis of charge for the hire of the vehicle.
- 22.** The Operator will ensure that any vehicle hired shall, unless delayed or prevented by sufficient cause, punctually attend the appointed place.
- 23.** The Operator must notify the Council in writing within seven days of receiving any caution or conviction or of any arrest or impending prosecution against him/her.
- 24.** No advertising material, sign, letter headings or other stationery, or any business name shall be used by the Operator including the words "Taxi" or "Cab", whether in the singular or plural and whether they form part of another word or not, other than where those words appear in the operator's website and/or email address and/or mobile application.
- 25.** Additional charges to take into account time to load or unload a disabled or wheelchair users cannot be added to a fare.

## **APPENDIX 23 TAXI LICENSING ENFORCEMENT PROTOCOL**

### **1 Enforcement Policy Statement**

- 1.1 This policy is in place to:
- Protect public safety
  - Protect the commercial interests of the Borough's taxi licence holders
  - Deliver fair, consistent, transparent, accountable and proportionate regulation across the taxi service
  - Target action at those cases where it is needed.
- 1.2 The policy assists Burnley Borough Council to ensure that taxi drivers and operators provide a service to customers that is compliant with both the relevant law, and the conditions attached to the various licences.
- 1.3 All regulatory and enforcement action, be it the refusal of licences, verbal/written warnings, appearance before the Licensing Committee, use of statutory notices, suspension, revocation or prosecution, will primarily be based upon the seriousness of the breach and the possible consequences arising out of it. Regulation and enforcement action will therefore constitute a proportionate and balanced approach in order to meet a legitimate aim. It will not be unnecessarily punitive in relation to isolated minor technical contraventions of legislation or conditions.
- 1.4 Authorised officers will have regard to this policy when making enforcement decisions. Any departure from the policy must be justified and be endorsed by the Principal Licensing Officer or his/her manager before the decision is taken (unless it is considered that there is significant risk to the public in delaying the decision).
- 1.5 All regulatory actions will be recorded by the Council for future reference.
- 1.6 Enforcement Officers satisfying competency requirements will be authorised by the Head of Service (People, Law And Regulation) to take enforcement action.

### **2 Enforcement Options**

- 2.1 A consistent approach to decision making is important. To achieve and maintain consistency, the policy guidelines must be considered and followed where appropriate.



2.2 Licence application and enforcement decisions must always be proportionate, balanced, fair and relate to common standards, which ensure that the public is adequately protected. In reaching any decision the criteria to be considered include:

- Risk to the public
- Safeguarding responsibilities
- Seriousness of any breaches/offences
- Extent of any breaches/offences
- Impact of breach/offence on community
- Impact of breach/offence on trade
- Relevance of the breach/offence to enforcement priorities
- Licence holder's previous history

2.3 Having considered all relevant information and evidence, the options for action are:

- Take no further action
- Grant a licence (subject to the Council's Conditions)
- Refuse to grant/renew a licence
- Take informal action (verbal/written warnings & letters)
- Place the matter before Licensing Committee or Sub-Committee
- Use statutory notices
- Suspend a licence
- Revoke a licence
- Prosecute
- Use simple cautions

2.4 This policy document provides guidance applicable to the various options for enforcement action.

### **3 Investigation of Breaches of Licence Conditions and Offences**

3.1 Alleged Breaches of Conditions will be fully investigated by Council Officers who will obtain relevant evidence to substantiate a breach before the evidence is put to the licence holder. **Investigations into Breaches of Conditions are not subject to the provisions of the Police & Criminal**

**Evidence Act 1984 (PACE)** and so these procedures need not be applied in these circumstances. Often these contacts arise out of the regular work of officers whilst on site and are not planned. However whenever direct quotes are inserted into officers notebooks, the person making the comment will be invited to sign the book. **Body Video Cameras may be worn and activated where breaches of conditions are observed or suspected.**

- 3.2 Where there are grounds to suspect that a criminal offences may have been committed then any investigation into those offences **are subject to PACE**. Therefore the PACE procedures will be implemented by officers in any situation where legal proceedings may arise. In circumstances where an interview is necessary the provisions of PACE will apply to any interview conducted at Council Offices or elsewhere. An “interview” is the questioning of a person regarding their involvement or suspected involvement in a criminal offence or offences. Appropriate advice will be given in advance of any interview including the licence-holders rights and any representation. Council Officers have no powers of arrest. In addition to PACE the Criminal Procedures & Investigations Act will apply in relation to any disclosure for legal proceedings. **Body Video Cameras may be worn and activated where offences are observed or suspected.**
- 3.3 All investigations will afford the licence holder with an opportunity to respond to an allegation made, or evidence obtained. This may be via telephone call, letter, in person, by formal interview or by Committee hearing. Any representations received from the licence-holder will be taken into consideration when determining what enforcement action should follow. The licence holder will be informed of any action or decision arising from the investigation. Any correspondence issued to the licence-holder will clearly distinguish between those matters which are required to be implemented, and any other matters recommended for action.

#### **4 Informal Action**

- 4.1 Informal action will be implemented at the discretion of Officers in relation to alleged breaches/offences by licence holders. Compliance will be sought by offering advice, issuing verbal and written warnings and letters to request action.
- 4.2 Informal action may be appropriate in any of the following circumstances:
- Where the breach is an isolated occurrence
  - Where the breach does not pose a significant risk to the safety of the public
  - Where the breach has limited impact on the community or trade

- Where the breach is not serious enough to warrant more formal action
- Where the licence holder's past history indicates that informal action will achieve compliance

## **5 Appearance before the Licensing Committee/Sub-Committee**

5.1 An applicant or licence holder may be asked to appear before the Licensing Committee or Sub-Committee in order for the Committee to determine an appropriate course of action. Referral to Committee would normally take place when:

- A licence holder is charged or is convicted of an offence during the period of a licence (except where the offence indicates a serious public safety issue)
- Officers have evidence indicating a licence holder may no longer meet the fit and proper person test
- The issue requiring decision is not covered by, or departs from, recognised policy or is controversial (including convictions/exceptional condition/age restriction/vehicle safety etc)

5.2 The Committee may decide to take one or more of the following actions:

- No further action
- Issue a written warning/instruction
- Suspend a licence - with or without immediate effect
- Revoke a licence - with or without immediate effect

## **6 Vehicle testing, suspension and revocation- s 60 and 68 LGMPA 1976**

6.1 Where the condition of a vehicle, or the accuracy of a taximeter are suspected to be unsatisfactory an authorised officer may serve a s68 notice that requires the vehicle or the taximeter to be examined at the Council's appointed garage at a time specified in the notice.

6.2 The authorized officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as he is satisfied that the vehicle meets the condition of fitness, or revoke the licence.

## **7 Driver Suspension & Revocation – s61 LGMPA 76**

7.1 In circumstances where it is in the interests of public safety to suspend or revoke a driver's licence with immediate effect, or where mandatory training requirements have not been met, then the Scheme of Delegation authorises officers to take this decision. This decision will be taken following careful consideration of the evidence and will be reserved for matters where there is an immediate and compelling risk to the safety of the public.

7.1 All other suspension or revocation issues would normally be taken before Licensing Committee/Sub-Committee for decision.

7.3 In all circumstances a decision notice will be issued that explains the reason for the decision.

## **8 Operator Suspension & revocation – s62 LGMPA 76**

8.1 Operator suspensions and revocations will be determined by Licensing Committee/Sub-Committee and in all circumstances a decision notice will be issued that explains the reason for the decision.

## **9 Appeals**

9.1 Appeals against decisions of the Council to grant, renew, suspend or revoke a licence are provided for in legislation, and may be made to the Magistrates' Court. Wherever this provision applies information will be provided that outlines how, where and within what period an appeal may be brought and on what grounds. It will also confirm whether or not the effect of the decision is suspended pending the outcome of the appeal.

## **10 Prosecution**

10.1 The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Council are not followed and / or the public is put at serious risk. Such circumstances are, however, in a minority. It is important that the criteria on which a decision to prosecute is made provide common standards that ensure a consistent and proportionate approach.

10.2 The circumstances that are likely to warrant prosecution may be characterized by one or more of the following:

- Where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law abiding are placed at a disadvantage to those who disregard it
- When there appears to have been reckless disregard for the safety of passengers or other road users
- Where there have been repeated breaches of legal requirements
- Where a particular type of offence is prevalent
- Where a particular contravention has caused serious public alarm

10.3 When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a proportionate and objective decision to be made.

10.4 The Council's Legal team must be satisfied that there is sufficient admissible evidence that an offence has been committed by an identifiable person or company. There must be a realistic prospect of conviction and the issue of a simple caution is not an alternative when it is deemed that there is insufficient evidence to prosecute,

10.5 When a decision is being taken on whether to prosecute, the factors to be considered may include:

- The seriousness of the alleged offence
- The risk of harm to the public
- Identifiable victims
- Failure to comply with a statutory notice served for a significant breach of legislation
- Disregard of safety for financial reward
- The previous history of the party concerned
- Offences following a history of similar offences
- Failure to respond positively to past warnings
- The ability of any important witnesses and their willingness to cooperate
- The willingness of the party to prevent a recurrence of the problem

- The probable public benefits of a prosecution and the importance of the case e.g. whether it might establish a legal precedent. (As indicated above, advice on the public interest is contained in the Code for Crown Prosecutors. The general thrust of the advice contained therein is that, the graver the offence, the less likelihood there will be that the public interest will allow anything other than a prosecution)
- Whether other action, such as issuing a simple caution in accordance with the Home Office Circular 18/1994 would be more appropriate or effective

## **11 Simple Cautions**

11.1 A simple caution may be used as an alternative to a prosecution in certain circumstances.

11.2 Home Office Circular 18/1994 states that the purposes of the simple caution are:

- To deal quickly and simply with less serious offences
- To divert less serious offences away from the Courts
- To reduce the chances of repeat offences

11.3 To safeguard the suspected offender's interests, the following conditions should be fulfilled before a caution is administered.

- There must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction
- The suspected offender must admit the offence
- The suspected offender must understand the significance of a simple caution and give informed consent to being cautioned

11.4 If there is insufficient evidence to consider taking a prosecution, then by implication, the criteria is not satisfied for the use of a simple caution. A simple caution should also not be used where the suspected offender does not make a clear and reliable admission of the offence. (It should be noted that there is no legal obligation for any person to accept the offer of a simple caution and no pressure should be applied to the person to accept a caution).

11.5 Simple cautions must be used in accordance with the Home Office Circular and may only be issued by a Burnley Borough Council Solicitor.

- 11.6 Where a person declines the offer of a simple caution, it will be necessary to consider taking alternative enforcement action. Whilst this will probably mean prosecution, this is not necessarily inevitable. For example, it may be considered that a written warning would be appropriate.

## APPENDIX 24

### Policy in respect of requests for information, disclosure of information and use of information as a result of an entry on the National Register of Taxi Licence Revocation and Refusals (known as NR3)

#### 1. Overarching principles

- a. This policy covers the use that Burnley Borough Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3).
- b. In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.
- c. The NR3 contains information relating to any refusal to grant, **suspend** or revocation of, a taxi drivers' licence. This information is important in the context of a subsequent application to another Authority for a drivers' licence by a person who has had their licence refused or revoked in the past.
- d. Burnley Borough Council has signed up to the NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, that information will be placed upon the register.
- e. When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, we will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details. Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, deciding, notifying the applicant of the outcome of that decision, and the appeal processes. For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application, except where an appeal is lodged.



- f. Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated.
- g. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.
- h. The data will be held securely in accordance with this Authority's general policy on secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with the Authority's general policy on the erasure and destruction of personal data.

## **2. Making a request for further information regarding and entry on NR3**

- a. When an application is made to Burnley Borough Council for the grant of a new, or renewal of, a taxi driver's licence, this authority will check the NR3. We will make and then retain a clear written record of every search that is made of the register. This will detail:
- the date of the search.
  - the name or names searched
  - the reason for the search (new application or renewal)
  - the results of the search; and
  - the use made of the results of the search (this information will be entered to the register later).

This record will not be combined with any other records (i.e., combined with a register of licences granted) and will be retained for the retention period of 25 years.

- b. If Burnley Borough Council discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this

authority's data protection policy in relation to the use of any data that is obtained because of this process. This request will be made in writing. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

### **3. Responding to a request made for further information regarding an entry on NR3**

- a. When this Authority receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e., combined with a register of licences granted) and will be retained for the retention period of 25 years. We will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.
- b. The Authority will conduct a Data Protection Impact Assessment. This will consider how the other Authority (the second Authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second Authority has adopted a policy like this, that should be a reasonably straightforward process. If Burnley Borough Council is satisfied that the other Authority's (the 2nd Authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function. Any disclosure must be considered and proportionate, considering the data subjects' rights and the position and responsibilities of a taxi driver.
- c. Data is held on the NR3 register for a period of 25 years, but Burnley Borough Council (the 1st Authority) will not disclose information relating to every entry. Each application will be considered on its own merits. This Authority will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within its Guidance on Relevance of Convictions.
- d. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in Appendix 12) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in Appendix 12) outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision

and there may be occasions where information is provided other than in accordance with this policy.

- e. Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the Authority by an enactment or rule of law.
- f. The officer will record what action was taken and why. The Authority will make and then retain a clear written record of every decision that is made as a result of a request from another Authority. This will detail:
  - the date the request was received
  - how the data protection impact assessment was conducted and its conclusions
    - the name or names searched
    - whether any information was provided
    - if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
    - if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and how and when the decision (and any information) was communicated to the requesting authority.

#### **4. Using any information obtained as a result of a request to another Authority**

When the Authority receives information as a result of a request that has been made to another Authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications; assessment will take place against the Authority's definition of fit & proper person. This Authority will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above). Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this Authority will make in relation to the application.

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# **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

**(Mar 2023)**

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## 1. INTRODUCTION

Burnley Borough Council is responsible for the regulation of the Hackney Carriage and Private Hire trades within the Borough.

This policy sets out the application requirements and standards that must be met by the Hackney Carriage and Private Hire trade licensed by Burnley Borough Council. When carrying out its regulatory functions, the Council will have regard to this policy. Each application or enforcement measure will be considered on its own merits however where it is necessary to depart substantially from the policy, clear and compelling reasons will be given.

Applicants for licences are particularly encouraged to read the contents carefully.

The Town Police Clauses Act 1847 regulates the licensing of Hackney Carriages and for Private Hire (outside London) The Local Government (Miscellaneous Provisions) Act 1976, as amended ('the 1976 Act') gives Burnley Borough Council ('The Council'), as the Licensing Authority, the duty to carry out its licensing functions in respect of the hackney carriage and private hire trades ("taxi trade").

The Council will keep this policy under review and will, where appropriate, consult on any proposed revisions.

This policy supersedes all existing policies in relation to Hackney Carriage and Private Hire licensing.

## 2. OBJECTIVES

Burnley Borough Council will carry out the licensing function with a view to promoting the following:

- Public Safety
- Safeguarding of children and vulnerable adults
- The prevention of crime and disorder
- The safety, health and welfare of drivers
- Vehicle safety, comfort, and access
- Provision of a quality service to the public

The Council aims to ensure that the Hackney Carriage and Private Hire services offered within the Borough are of the highest standard. Application and enforcement procedures are designed to ensure these standards are maintained, monitored for compliance, and appropriately enforced where necessary.

This policy assists the Council in fulfilling its duties under the Children Act 2004 to make arrangements to ensure that its functions are discharged having regard to the need to safeguard and promote the welfare of children.

### **3. GENERAL MATTERS**

#### **3.1 Delegations**

Part 3 of the Council's Constitution details the Scheme of delegation for Taxi Licensing functions. The Licensing Committee has the authority to discharge non-executive regulatory functions with respect to Hackney Carriage and Private Hire licensing. The Taxi Sub-Committee is further delegated to determine specified applications, suspensions, and revocations.

The Head of Legal and Democratic Services has delegated powers to grant licences in line with policy, and further delegations in specific circumstances to refuse, suspend and revoke licences. These delegations can be further delegated to authorised officers.

#### **3.2 Partnership Working**

The Council will work in partnership with the following agencies to promote the policy objectives: -

- Local Hackney Carriage and Private Hire trades
- Private Hire and Hackney Carriage trade associations
- Lancashire Constabulary
- Local residents
- Driver and Vehicle Standards Agency (formally VOSA)
- DVLA
- HM Revenues and Customs
- UK Border Agency
- Lancashire County Council
- Other licensing authorities

#### **3.3 Sharing Information**

The Licensing Service will lawfully share with other departments or regulatory bodies information supplied by applicants or acquired while exercising licensing functions, where this is necessary for the detection or prevention of crime, or required by law, or in connection with legal proceedings. Where applicable, it will be via information sharing protocol. Personal information will only be disclosed in accordance with Data Protection legislation.

#### **National Register of Taxi/Private Hire Licence Refusals, & Revocations (NR3).**

The Licensing Authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a Hackney/ Private Hire drivers licence revoked or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a Hackney/Private Hire driver's licence. Information is shared in accordance with the policy at Appendix 24



Where a Hackney/ Private Hire Drivers Licence is revoked or an application for one refused, the authority will automatically record this decision on NR3.

All applications for a new licence or a licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application. The information recorded on NR3 itself will be limited to:

- Name
- Date of birth
- Addresses and contact details
- National insurance number
- Driving licence number
- Decision taken
- The date of the decision
- The date the decision was effective from

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for and or being granted a Hackney/ Private Hire Drivers Licence. Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authorities statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

Any person wishing to raise an issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer, The Town Hall, Manchester Road, Burnley BB11 9SY. This includes submitting a subject access request form. Please visit our website for the most up to date link.

Complaints can be made to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>  
Please see [Appendix24](#)

### **3.4 Enforcement**

Licensing officers will monitor compliance by a number of methods including inspections and visits, targeted interventions, use of town centre CCTV, and complaint investigations.

Any enforcement will be undertaken in accordance with the Enforcement Protocol  
Please see [Appendix23](#)

### 3.5 Applications

Applications must be submitted to include evidence that all pre-application requirements are met. Incomplete applications will not be accepted.

It is important that applications are submitted in good time to avoid any licence due to expire lapsing before it is determined.

### 3.6 Appeals

Where Burnley Borough Council decide to refuse, suspend or revoke a licence a notice giving reasons for the decision will be provided as soon as possible and in any event within 14 days of the decision.

In these circumstances, there is a right of appeal to the Magistrates' Court within 21 days of the decision being notified.

## 4. VEHICLES

The Council has differing vehicle specifications for Hackney Carriage vehicles, and Private Hire vehicles, including adapted Private Hire vehicles.

### 4.1 Private Hire Vehicles

Private Hire vehicles are licensed to carry a specified number of passengers, up to a maximum of 8 passengers. They must be booked in advance by the customer, through a private hire operator; and cannot be hailed in the street or stand at a rank.

All Private Hire vehicles licences issued by the Council are subject to Private Hire Vehicle Licence Conditions

Please see [Appendix 1](#)

For guidance on how to apply for a licence, please see [Appendix 6](#)

### 4.2 Hackney Carriages

Hackney Carriage vehicles are licensed to carry a specified number of passengers, up to a maximum of 8 passengers.

Hackney Carriage vehicles may be used to ply for hire in the street, at ranks or stands and may take bookings over the telephone or via the company's on-line App.

Only certain vehicle types are permitted on the fleet. Before a vehicle type is approved the manufacturer must first satisfy the Council that the vehicle meets the criteria set out in the Hackney Carriage Conditions of Fitness (CoF).

Please see [Appendix 17](#)

- All Hackney Carriages must be purpose built, wheelchair accessible taxis.
- All Hackney Carriages must be black in colour.

Hackney Carriage Vehicles issued by the Council are subject to the Hackney Carriage Conditions and the Hackney Carriage Bye-Laws.

Please see [Appendix 2](#) & [Appendix 3](#)

For guidance on how to apply for a vehicle licence, please see [Appendix 6](#)

#### **4.3 Exemptions from Control**

The 1976 Act exempt the following vehicles from control under the Act:

- Vehicles while being used in conjunction with a funeral or used wholly or mainly for the purpose of funerals by a funeral director and
- Vehicles while being used in connection with a wedding

#### **4.4 Limitations of Numbers**

Burnley Borough Council does not limit the number of Hackney Carriages licensed.

No powers exist for licensing authorities to limit the number of Private Hire vehicles they licence.

#### **4.5 Vehicle Age Limits**

Burnley Council has set age limits for Hackney Carriages and Private Hire vehicles it will licence.

Please see [Appendix 5](#)

#### **4.6 Duration of Vehicle Licences**

Hackney Carriage and Private Hire vehicle licences will be issued for a period of four months with all vehicles inspected 3 times a year at renewal.

A test will be carried out at one of the Council's approved testing stations.

Please see [Appendix 7](#).

In addition to the standard annual MOT requirements for vehicles, the Council must be satisfied that any vehicle licensed is safe and fit for purpose. All vehicles must therefore comply with the Council's Supplementary Testing Manual.

Please see [Appendix 4](#).

The test can be undertaken up to 28 days prior to the expiry of the existing licence. All the relevant original documents i.e. vehicle licence application form signed and stamped by the proprietor/operator, compliance certificate, insurance document, V5 Registration document, DBS certificate (where applicable) must be presented together with confirmation of licence fee payment. Photocopies or images of documents will not be accepted.

#### **4.7 Individual Vehicle Approval (IVA)**

To be satisfied of the safety of vehicles which have been converted after registration an Individual Vehicle Approval will be required.

The vehicles which require approval, are those defined as an N1 category – a van or minibus on the V5 document. Once the vehicle is registered, if there are any alterations to modify a van to a passenger vehicle (M1 category), then IVA approval needs to be submitted at the time of application.

For further information on how to obtain a certificate please visit:  
<https://www.gov.uk/vehicle-approval/individual-vehicle-approval>

#### **4.8 Insurance**

Hackney Carriage and Private Hire vehicle proprietors must ensure that appropriate insurance is always in force whilst the vehicle is licensed. Any failure to ensure that a vehicle is not adequately insured for public hire/private hire will result in the immediate suspension of the vehicle licence.

Please see [Appendix 8](#)

#### **4.9 Passenger Numbers**

Hackney Carriage and Private Hire licences will normally be issued for the carriage of between 4 and 8 passengers in reasonable comfort and have not less than three doors through which passengers may enter and leave the vehicle conveniently, safely, and comfortably. In addition, there must be accommodation for luggage. Passenger numbers must not be exceeded under any circumstances.

#### **4.10 Hackney Carriage Ranks**

The Council has provided several designated Hackney Carriage ranks throughout the Borough. Drivers must not leave a vehicle unattended on a rank at any time.

Please see [Appendix 9](#)

#### **4.11 Fares**

The Council is responsible for setting the Hackney Carriage tariff which is a table of the maximum fares that may be charged for a journey. Consideration for varying the Table of Fares will be given on a request received from the trade. Each Hackney Carriage must have its taximeter calibrated to the current tariff and in addition must display the table of fares provided by the Council where it can easily be read by a passenger.

Please see [Appendix 10](#)

The Council has no ability to control the fares charged by the Private Hire trade and it is for the hirer to negotiate an appropriate fee or method of charging for each journey.

#### **4.12 Taximeters**

All Hackney Carriages must be fitted with a taximeter which is sealed and maintained as to comply with the Hackney Carriage licence conditions. A private

Hire vehicle may be fitted with a taximeter, and it should be so constructed, attached and maintained as to comply with the Private Hire vehicle licence conditions.

#### **4.13 Accident and Hire Car Procedure**

Should a licensed Hackney Carriage or Private Hire vehicle be involved in an accident, the details must be reported to the Council within 72 hours of the accident taking place.

An accident report form must be completed with details of the accident. Please see our website for the most up to date form.

If the vehicle remains unfit for purpose on the expiry of a 2-month period, the vehicle licence will be automatically revoked. The suspension notice will indicate whether the vehicle requires a full retest or not for the suspension to be lifted. If a full retest is required, the vehicle should be inspected at one of the Council authorised testing stations. Please see [Appendix 7](#)

If a full retest is not required, an appointment should be made with an authorised officer of the Licensing Team for the vehicle to be made available for inspection.

The licence vehicle plate(s) must be returned to the Licensing Service during the period of suspension.

### **5. HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS**

It is an offence to drive a Hackney Carriage or Private Hire vehicle without the appropriate licence. Before granting a licence the individual must satisfy the Licensing Authority that they are a fit and proper person to hold such a licence. The assessment of fitness and propriety on application is based on the information provided in the application process. Driver behaviour, any change in circumstances or information coming to light after a licence is granted may result in a formal review of the licence.

#### **5.1 Duration of Driver's Licences**

Private Hire and Hackney Carriage Driver Licences are normally issued for a period of three years, with one-year licences available in special circumstances.

#### **5.2 Entitlement to Drive in the UK**

Applicants must be 21 years of age and have held a valid, full GB driving licence for a minimum of 12 months immediately before making their application.

Applications can be considered from Individuals who hold a full non-GB driving licence. However, this will depend on their eligibility to drive in Great Britain. The following link provides information in relation to this:

[Driving in Great Britain on a non-GB licence - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

All applicants are required to authorise the Council to undertake checks with the DVLA to verify the existence of any motoring convictions and restrictions on their licence.

### **5.3 Right to Work in the UK**

All applicants must have the right to work in the UK. Verifications of this right will be undertaken by the Licensing Team with the UK Border Agency where appropriate before a hackney carriage or private hire driver's licence is granted. Please see [Appendix 11](#)

### **5.4 HMRC check**

Any driver renewing a licence or applying in Burnley after holding a licence with another authority, must provide a HMRC code which must be verified by the Licensing Authority. Any driver new to the trade must sign to indicate they are aware of the tax requirements.

Please see the HMRC Tax Fact Sheet [Appendix 18](#)

### **5.5 Disclosure and Barring Service Checks (DBS)**

Safeguarding of children and vulnerable adults is a primary goal of the Council. We need to ensure drivers are fit and proper people to hold licences.

Applicants for a Hackney Carriage or Private Hire driver licence are required to provide an enhanced DBS certificate obtained on-line through TaxiPlus, and have registered for the DBS Update Service, via the DBS Update Service link.

Enhanced disclosure certificates made through other organisations will not be accepted.

A licence will not be issued or renewed unless there is a valid DBS check in place together with confirmation of subscription to the DBS update service.

The Rehabilitation of Offenders Act 1974 does not apply to applicants for a Hackney Carriage or Private Hire driver licences and applicants are required to disclose all convictions, cautions and motoring offences, including those that would normally be regarded as spent.

It is a mandatory requirement for drivers to sign up to the DBS Update Service and consent to the Licensing Authority conducting DBS status checks as to whether there has been any change to their status since the last disclosure certificate was issued. A licence will not be renewed unless a check for a change in status has been carried out. Licensees are expected to maintain this registration and nomination throughout the duration of their licence.

More information about the DBS can be found here:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

<https://www.gov.uk/government/publications/dbs-update-service-applicant-guide>

Any convictions etc will be considered alongside the Council's Convictions Policy  
Please see [Appendix 12](#)

Where an applicant has convictions that fall outside of policy requirements a licence will normally be refused. Likewise, licenced drivers may have their licence reviewed where investigations, charges or convictions relating to relevant offences come to light. This may include referral to the Taxi Licensing Sub Committee.

**To declare a conviction, please visit our website to download the appropriate form.**

**Certificate of Good Conduct** - Where an applicant has previously spent an extended period (3 or more continuous months) living and working outside the UK, Licensing Authorities may require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process as to whether an applicant is a fit and proper person to hold a licence. A Certificate of Good Conduct can be obtained from the Embassy/High Commission in the country or countries in which the applicant has resided. This document must be a certified translation if the original Embassy Certificate is not in English. The document must also be current - within 3 months of the date of issue.

It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case is considered on its own merits. However, it should be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more. For information on applying for overseas criminal record information or 'Certificates of Good Character', please use the following link:  
[Criminal records checks for overseas applicants - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Note: Asylum seekers who hold Home Office issued application registration documents, together with a verification letter from the Home Office's Employer Checking Service stating that the named individual is permitted to work in the UK, will be exempt from the requirement to submit a Certificate of Good Conduct.

## **5.6 Safeguarding and Child Sexual Exploitation (CSE) Training**

The Council recognises that licensed drivers are an integral part of modern life and as such play an important role in providing a safe means of transport to all members of society.

Their role within our communities places them in direct daily contact with some of the most vulnerable members of our society and as such they are ideally placed to assist all those agencies who have a statutory responsibility to safeguard vulnerable people.

To recognise the signs of Safeguarding concerns and to be able to report suspicious behaviour appropriately, all applicants for a hackney carriage or private hire driver's licence shall have completed safeguarding awareness training. A fee is payable to undertake the training. It is a mandatory pre-licence

application requirement for new applicants and existing drivers at renewal to have completed the on-line training prior to the submitting a licence application.

Safeguarding issues are tested via the Safer Cabbying assessment.

Failure to complete the course will result in an application being rejected.

### **5.7 Safer Cabbying assessment**

All applicants will be required to pass a 'Safer Cabbying assessment' before being an application is accepted.

A fee is payable to undertake the test, or retest. Any applicant who does not attend the test the fee is non- refundable.

The topics in the test include:

- Safeguarding of children and vulnerable persons
- Vehicle maintenance checks
- Customer care & driver behaviour
- Disability Awareness
- The Law and Conditions that apply to taxis.
- Local knowledge of routes
- English Language

A pass standard is required before applicants can apply for a licence.

### **5.8 Medical Fitness**

The Council recognises that licensed drivers should meet more stringent medical standards than is expected of people who drive a vehicle for social, domestic and pleasure purposes. Licensed drivers are entrusted with the safety of the travelling public and may drive for much longer hours than non-professional drivers. To this end the Council requires all licensed drivers to meet the Group 2 medical standard used by the DVLA when licensing HGV and Public Service Vehicle (PSV) drivers.

Medical certificates, completed by the driver's own GP are required on first application, every 3 years and then annually once the driver reaches the age of 65. Where a driver develops a medical condition, they will be requested to visit their General Practitioner who will assess their fitness to drive the general public. Should they not be able to drive the public after visiting their GP then their private hire or hackney carriage licence must be surrendered to the Council.

Where there is doubt as to the medical fitness of a licensed driver, including circumstances where a medical certificate has expired, the Licensing Authority reserves the right to suspend the driver's licence until such time as it can be satisfied that the driver is fit. No applicant will be issued a licence until medical fitness has been established.

The applicant's own GP should complete the Burnley Borough Council medical form. Where a GP is not providing this service to patients, an agency Doctor registered with the GMC and qualified to conduct Group 2 medicals can be used.



Driver licences expire on the day that the medical certificate expires. It is therefore important to have a medical as close as possible to the date the application is submitted.

### **5.9 Private Hire Driver's Conditions**

All private hire driver licences are issued subject to conditions.

Please see [Appendix 1](#)

### **5.10 Private Hire Law – Offences Relating to Private Hire Vehicles**

Please see [Appendix 15](#)

### **5.11 Hackney Carriage Bye-Laws**

All Hackney Carriage driver licences are issued subject to the Council's Hackney Carriage Bye-laws.

Please see [Appendix 2](#) & [Appendix 3](#).

### **5.12 Hackney Carriage Law - Offences Relating to Hackney Carriages**

Please see [Appendix 16](#)

### **5.13 Guidance on How to Apply for a Hackney Carriage or Private Hire Driver Licence**

Anyone wishing to apply should read our guidance notes in conjunction with the whole of this document

[Appendix 14](#) Conditions Relating to Private Hire Driver's Licences made under Local Government (Miscellaneous Provisions) Act 1976

[Appendix 15](#) Private Hire Law. Offences related to Private Hire Vehicles

[Appendix 16](#) Hackney Law. Offences relating to Hackney Carriages

[Appendix 17](#) Hackney Carriage – Conditions of Fitness

[Appendix 18](#) HMRC Tax Fact Sheet

[Appendix 19](#) A Guide to Hackney Carriage and Private Hire Driver's 3 Year Licence Applications

## **6. PRIVATE HIRE OPERATORS**

Anyone wishing to invite Private Hire bookings in Burnley and dispatch a licensed vehicle and driver to fulfil those bookings must hold a Private Hire Operator's Licence. It is an offence to operate a private hire vehicle without the appropriate licence.

Private Hire Operators are responsible for ensuring that the vehicles and drivers they dispatch hold valid, appropriate licences to undertake those journeys.

All Private Hire Operator licences are issued subject to conditions

Please see [Appendix 20](#) Private Hire Operator Licence Applications. How to apply.

Please see [Appendix 21](#) Private Hire Operator Pre-Licence Conditions

Please see [Appendix 22](#) Private Hire Operator Conditions

## 6.1 Duration of Private Hire Operator Licence

Private Hire Operator Licences are normally issued for a period of five years, with one-year licences available in special circumstances.

## 6.2 Applying for A Licence

Applicants are required to submit a complete application which should include the following original documents:

- Evidence of planning permission
- Public Liability Insurance
- Radio Licence (and Planning Permission for any aerial where necessary)
- Enhanced DBS certificate & confirmation of subscription to the Update Service
- Safeguarding Awareness Training
- Tax Check Code
- Proof of Right to work in the UK
- Payment of appropriate fee.

The design of door signs intended for use by a newly licenced operator will have to be authorised by the licensing team.

The Council recognises that Private Hire Operators and their dispatchers play an important role in providing access to a safe means of transport to all members of society.

Their role, alongside that of the licensed drivers they dispatch, places them in daily contact with some of the most vulnerable members of our society and as such they are ideally placed to assist all those agencies who have a statutory responsibility to safeguard the vulnerable. Dispatchers should be required to undergo annual basic DBS checks by the operator.

Private Hire Operators are required to undertake safeguarding training, demonstrate their right to work, and provide a HMRC tax code in the same way as drivers.

## 6.3 Insurance/Records

Private Hire Operators are required to provide evidence of Employer's & Public Liability Insurance for the premises to be licensed. All operators are required to keep comprehensive records. These are detailed in Private Hire Operator Conditions.

Please see [Appendix 21](#)

## 6.4 Premises

Where a Private Hire Operator provides premises for the public they shall be maintained in a clean and tidy condition, be adequately lit, heated and ventilated and where a waiting area is provided have adequate seating facilities.

## 7. FEES

The Council sets and regularly reviews its fees for taxi and private hire licensing in line with the Government's requirements, in that fees should only cover the costs involved in the administration and regulation of licensed operators, drivers and vehicles. Current fees are published on the Council's website and can be accessed using the following link:

[Hackney carriage and private hire fees and charges - burnley.gov.uk](https://www.burnley.gov.uk/hackney-carriage-and-private-hire-fees-and-charges)

## 8. APPENDICES

<a href="#">Appendix 1</a>	Private Hire Vehicle Conditions & Requirement for Issue
<a href="#">Appendix 2</a>	Hackney Carriage Vehicle Conditions
<a href="#">Appendix 3</a>	Hackney Carriage Bye Laws
<a href="#">Appendix 4</a>	Supplemental Testing Manual – Licensing of Hackney Carriage and Private Hire Vehicles
<a href="#">Appendix 5</a>	Hackney Carriage & Private Hire Vehicle Age Limits, Permitted Vehicles & Criteria
<a href="#">Appendix 6</a>	Hackney Carriage & Private Hire Vehicle - Application Guidance
<a href="#">Appendix 7</a>	Approved Council Testing Stations
<a href="#">Appendix 8</a>	Insurance Advice
<a href="#">Appendix 9</a>	Hackney Carriage Stands
<a href="#">Appendix 10</a>	Hackney Carriage Table of Fares
<a href="#">Appendix 11</a>	Right to Work in the UK
<a href="#">Appendix 12</a>	Policy Guidelines to Fitness & Propriety Including Convictions and other relevant information
<a href="#">Appendix 13</a>	How to Pay
<a href="#">Appendix 14</a>	Conditions Relating to Private Hire Driver's Licences made under Local Government (Miscellaneous Provisions) Act 1976
<a href="#">Appendix 15</a>	Private Hire Law - Offences Related to Private Hire Vehicles
<a href="#">Appendix 16</a>	Hackney Law -Offences relating to Hackney Carriages
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<a href="#">Appendix 20</a>	Private Hire Operator Licence Applications - How to apply.
<a href="#">Appendix 21</a>	Private Hire Operator Pre-Licence Conditions
<a href="#">Appendix 22</a>	Private Hire Operator Conditions
<a href="#">Appendix 23</a>	Enforcement Protocol
<a href="#">Appendix24</a>	NR3 Policy

**Appendix 1**  
**Local Government (Miscellaneous Provisions) Act 1976**  
**Requirements for the Issue of a Private Hire Vehicle Licence**  
**&**  
**Conditions Relating to Private Hire Vehicle Licence**

Burnley Borough Council will only accept an application to licence a private hire vehicle if the vehicle complies with the following specifications.

Once the vehicle is licensed it will have to conform to the conditions contained in this document which will be attached to that licence.

**ALL PRIVATE HIRE VEHICLES**

Shall not be a London style hackney carriage style or similar vehicle.

Shall not be a left-hand drive vehicle.

Shall not be a convertible i.e. have a soft top.

Shall have a capacity for at least four adult passengers.

Shall maintain at least two separate means of exit for all passengers seated to the rear of the driver's seat.

Shall have passenger seats that are either front or rear facing.

All seats must be positioned to ensure the comfort and safety of the passenger.

Shall have an engine capacity of not less than 1,200cc.

Shall be of such design to enable any person in the vehicle to communicate with the driver.

Shall be fitted with a roof covering which can be kept watertight.

Shall contain windows and a means of opening and closing not less than one window on each side.

Shall contain seats which must be properly cushioned or covered.

Shall be constructed or adapted so as to have sufficient luggage space for the number of passengers for which it is licensed.

The vehicle must be type approved. You will be required to provide the necessary confirmation that the vehicle is approved - a V5 registration document (log book) indicating that the vehicle is M1 type approved (shown in the vehicle category at line J), or in the case of minibuses, that the vehicle was manufactured as an M2 vehicle, which is a minibus with more than 8 passenger seats, and the only modification is the

removal of the rearmost seats to reduce the seating capacity. The V5 will show M2 in the Vehicle Category at line J.

Vehicles converted from vans or imported from outside the EU will be required to have passed a VOSA Voluntary Individual Vehicle Approval (IVA) inspection. The relevant certificate will be required before such a vehicle can be licensed.

### **WHEELCHAIR ACCESSIBLE VEHICLES (WAV'S)**

Any vehicle that has been adapted or modified to accommodate disabled passengers shall be re-certified, after adaptation or modification, to meet the European Whole Vehicle (M1 or M2) Type Approval standard, the British National Low Volume Type (M1 or M2) Approval standard or the Voluntary Individual Single Vehicle Approval in respect of all such adaptations or modifications. The relevant certificate will be required before such a vehicle can be licensed.

Information on Individual Vehicle Approval (IVA) can be found here:

[Vehicle approval: Individual Vehicle Approval - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Access to and egress from the wheelchair position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus;

Wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and comply with the M1 or M2 standards as specified in European Directive 76/115 EEC (as amended by 90/629 EEC) and should be secured in such a position as to not obstruct any emergency exit when the equipment is not in use;

A suitable, separate restraint (seat belt) must be available for the occupant of the wheelchair.

Access ramps or lifts must be securely fixed to the vehicle prior to use and be able to support the weight of any wheelchair, occupant and helper

Ramps and lifts must be securely stored in the vehicle before driving off; such devices shall have a minimum load rating of 300kg.

The vehicle shall be fitted with a locking mechanism, or other device, that holds the wheelchair access door in the open position whilst a wheelchair is being loaded or unloaded.

Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S/I 1998/2307). Any such equipment must be maintained in efficient working order so as to be available for use at all times.

Where a vehicle is manufactured or adapted to carry a wheelchair, and the vehicle has been licensed as such, the licensee (and any licensed private hire operator responsible for operating the vehicle) shall ensure that the driver of the vehicle has

received sufficient training to be able to load/unload and convey wheelchair bound passengers in safety and comfort.

A sign may be affixed to the outside of the vehicle indicating that it is able to convey passengers in wheelchairs, provided that the vehicle has been manufactured or properly adapted for that purpose.

The vehicle will be submitted for inspection at one of the Councils approved MOT stations. Vehicles will receive a 4-month test certificate and any licence issued will expire on the same date as the expiry of the test certificate.

When submitted for inspection the vehicle shall be in a complete and thoroughly good condition and the engine, chassis, body, tyres, fittings, furniture and all parts must be in good repair and order. All steering parts, engine and braking linkages must be thoroughly cleaned to enable thorough inspection.

## **CONDITIONS RELATING TO PRIVATE HIRE VEHICLE LICENCE MADE UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (The Act)**

### **REQUIREMENTS TO BE IN PLACE AT THE TIME OF THE APPLICATION TO BE MAINTAINED THROUGHOUT THE PERIOD OF THE LICENCE**

1. The vehicle must not be equipped with roof fittings except a roof rack or a wireless aerial, which must be fitted in such a manner as to satisfy the Council.
2. The vehicle must be fitted with the following signs:
  - (i) On saloon cars, estate cars and M.P.V's a sign on both nearside and offside front doors must be displayed, and contain the following information: the name of the firm, the words 'Private Hire' and the firm's telephone number. The sign may also include the firm's website and/or email address and/or mobile application. Such signs should be affixed by permanent means and shall not be less than 30cm X 20cm but can, if desired, cover the whole of the front door.
  - (ii) Rear door signs as prescribed by the Council to include plate number and insurance advice to be permanently fixed.
  - (iii) A sign at the rear of the vehicle may be fitted, to be between 5cm and 10cm in height and 1 meter in width, giving only the name of the firm, the email or website address or mobile application and telephone number.
  - (iv) Any further sign either to be displayed internally or externally which the Council in its absolute discretion may from time to time require.

3. There shall be no lights, plates, signs, advertisements, or other fittings (other than the signs referred to in condition 1 and the licence plate referred to in Condition 8) displayed on, in or from the vehicle, except those approved by the appropriate Secretary of State.  
In addition to the above, minibuses may be sign-written and include corporate livery.
4. Any radio microphone installed in the vehicle shall be fitted in such a position that its use by the driver would not impair his control of the vehicle when it is in motion.
5. If the vehicle is fitted with a taximeter, that taximeter must be so constructed, attached and maintained to comply with the following requirements:
  - (a) the taximeter shall be fitted with a key, flag, or other device, the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter.
  - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter.
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take from the hire of the carriage by distance.
  - (d) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
  - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figure shall be capable of being suitably illuminated during any period of hiring.
  - (f) the taximeter shall be affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
6. The vehicle shall contain a statement of fares to be fitted and maintained in such a position so as to be clearly visible at all times to the hirer. The statement shall clearly show the following:
  - (a) the minimum charge of each hiring (if any).
  - (b) the fare tariff.
  - (c) the retention charge per minute or portion thereof.

(d) any additional charges.

**7.** The vehicle shall:

(a) have a capacity for at least four adult passengers

(b) have an engine capacity of not less than 1200cc

(a) be of such design to enable any person in the carriage to communicate with the driver.

(b) be fitted with a roof covering which can be kept watertight.

(c) contain windows and a means of opening and closing not less than one window on each side.

(d) contain seats, which must be properly cushioned or covered.

(e) the floor of the vehicle must be provided with a proper carpet, mat or other suitable covering.

(f) the fittings and furniture in the vehicle must be kept in a clean condition, well maintained and in every way fit for public service.

(g) be provided with sufficient luggage space for the number of passengers for which the vehicle is licensed.

(h) contain at least two doors for the use of persons conveyed in the vehicle and a separate means of ingress and egress for the driver.

(i) be equipped with an adequate first aid kit and fire extinguisher, both of which must be indelibly marked with the registration number of the vehicle it is used in.

(j) display 'No Smoking' signage that complies with current legislation.

**8.** A plate identifying the vehicle as a Private Hire Vehicle, which has been provided by the Council and is of such design as the Council shall determine from time to time, shall be securely affixed to the rear of the vehicle and the whole of the plate clearly visible.



## Appendix 2 Hackney Carriage Vehicle Conditions

### Definitions

"Authorised officer" has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

"The Council" means the Council of the Borough of Burnley.

"Taxi" has the same meaning as in the Transport Act 1995.

"Identification plates" mean the plates issued by the Council for the purpose of identifying the vehicle as a hackney carriage.

"The proprietor" has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

"Taximeter" has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

"Bylaws" are those bylaws made in pursuance of the Town Police Clauses Act 1947 and the Local Government (Miscellaneous Provisions) Act 1976.

### Conditions attached to Hackney Carriage Proprietors Licences issued by Burnley Borough Council

Section 47 of Local Government (miscellaneous Provisions) Act 1976 allows a council to attach on the grant of a licence of a Hackney Carriage such conditions as the council may consider reasonably necessary.

### Conditions attached to Hackney Carriage Proprietors Licences - Burnley

#### 1 Convictions

- a) The proprietor shall within seven days disclose to the Council **in writing** details of any personal conviction imposed on him/her (or, if the proprietor is a company or partnership, or any of the directors or partners) during the period of this licence

#### 2. Vehicle

- a) New applications will only be accepted where vehicles are less than 3 years old from date of first registration in Burnley.
- b) The maximum age limit for vehicles is ten years from the date of first registration.
- c) The vehicle will be submitted for inspection at an M.O.T. Testing Station designated by the Council at each licence renewal. When submitted for inspection it shall be in a complete and thoroughly good condition and the engine, chassis, body, tyres, fittings, furniture and all parts must be in good repair and order. All steering parts, engine and braking linkages must be thoroughly cleaned to enable thorough inspection.
- d) The vehicle should be fit for public service at all times. Particular attention must be paid to the condition of each tyre (including the spare wheel), lights, engine coolant and lubrication levels, windscreen wipers, washer reservoir levels, and vehicle interior and exterior cleanliness.
- e) The steering wheel must be on the offside (right-hand side)

- f) All doors must be capable of being opened from the inside. There must be at least four doors. If the rear door is to be used for access and egress then access to this must be direct and not blocked by a line of seats. Vehicles without a nearside door are not acceptable.
- g) The maximum number of passengers a vehicle may carry is eight. Access to every seat must be unobstructed without the need for seats to be folded or removed. Bench type seating will not be permitted. Seats must not be sideways to the direction of travel. Any occasional seats must be so arranged as to rise automatically when not in use. Any occasional seats must not obstruct doorways.
- h) Seat belts must be fitted for use by every passenger capable of being carried.
  - i) Where seats are facing each other, there must be a minimum space of 17" (*approximately 43 cm*) between any part of the front seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle. There must be a clear space of at least 26" (*66 cm*) in front of every part of each seat squab (padded back).
  - ii) Further to this a clear space of 7" (*approximately 18cm*) from back of front seat to front of rear seat (when front seat is fully pushed back), is to be recommended for passenger comfort.
- j) The vehicle must be able to carry a reasonable amount of luggage (safe from inclement weather). Luggage should be stored securely and not stored in such a way as to hinder access to a door.
- k) The flooring of the passenger compartment must be covered with a non-slip material, which can be easily cleaned.
- l) Grab handles must be placed at door entrances to assist the elderly and disabled. Grab handles should be highly visible.
- m) All entrances and exits must be sufficiently illuminated at night.
- n) The provision of a step for assisted entry is recommended. The step must be covered with a slip-resistant surface. In the case of vehicles with a high floor height, a step will be required.
- o) The vehicle will not contravene the Motor Vehicles (Construction and Use) Regulations or Road Vehicles (Lighting) Regulations currently in force
- p) Signs indicating that smoking is prohibited will be clearly displayed inside the vehicle.
- q) A licence plate will be maintained on the rear of the vehicle.
- r) The vehicle shall display on the rear nearside and offside doors signs designed and supplied by the Council, incorporating the words 'Burnley Borough Council', 'Licensed Hackney Carriage Vehicle' and the vehicle licence number
- s) The vehicle will have two stickers replicating the details contained on the licence plate adhered to positions that are clearly visible to any passengers sitting on any of the passenger seats.
- t) The vehicle will be black in colour and the colour must be maintained throughout the period for which the licence is in force.

### **3. Radio Microphone**

Any radio microphone installed in the vehicle shall comply with current legislation and be securely fitted in such a position that its use by the driver would not impair his/her control of the vehicle when it is in motion.

### **4. Accidents to Vehicle**

- a) The proprietor of a Hackney Carriage shall report to the Council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to such Hackney Carriage causing damage materially affecting the safety, performance or appearance of the Hackney Carriage or the comfort or convenience of persons carried therein. Compliance with this condition does not exempt the proprietor from his statutory liability to report accidents to the Police.
- b) The proprietor of a Hackney Carriage licensed by the Council shall, within such period as the Council may by notice reasonably require, state in writing the address of every place where such Hackney Carriage is kept when not in use and shall if the Council so require afford them such facilities as may be reasonably necessary to enable them to cause such Hackney Carriage to be inspected or tested there.

### **5. Transfer of Ownership**

The proprietor shall notify the Council in writing, within fourteen days of any changes in vehicle ownership stating the name and address of the new proprietor.

### **6. Insurance**

- a) The proprietor shall keep in force a policy of insurance and security for the vehicle covering its' use as a Hackney Carriage.
- b) The proprietor of any Hackney Carriage vehicle licensed by the Council shall at the request of any authorised officer of the Council produce for inspection the vehicle licence and the certificate of insurance for the Hackney Carriage vehicle.

### **7. Alteration of Vehicle**

No material alterations or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time whilst the licence is in force.

### **8. Advertisements**

- (a) Save where, as respects any particular vehicle, an advertisement that covers the whole or substantially the whole of that vehicle is permitted by the Council in accordance with the provision of paragraph (b) of this condition, hackney carriages shall display on the rear nearside and offside doors, signs designed and supplied by the Council incorporating the words 'Burnley Borough Council Hackney Carriage' and the vehicle licence number.

- (b)
- (i) Subject as is hereafter provided, hackney carriages may display advertisements that cover the whole of the vehicle but not including any glass surface. Advertisements may also be placed on the drop-down seats located in the rear of vehicles.
  - (ii) Prior to any advertisement being placed on vehicles, the proprietors of the vehicles must first obtain permission from the Licensing Team and will be required to provide an exact representation of the advertisement they intend to display.
  - (iii) Each request under subparagraph (ii) above to advertise in or on a Hackney Carriage will be considered on its merits but the following adverts will not be approved in any event:
    - Those containing texts or images that are of a sexist, homophobic, racist, or blasphemous nature.
    - Those containing texts or images that would contravene age and disability discrimination legislation
    - Those for escort agencies, gaming establishments, massage parlours or any sexual service
    - Those displaying nude or semi-nude figures
    - Those likely to offend public taste (depicting violence, obscene or distasteful language); and
    - Those that promote drugs, alcohol, or tobacco.

Applications that are considered inappropriate will be referred to the Head of Legal & Democratic Services for final decision.

## **9. Vehicle Type & Wheelchair Access**

All vehicles should meet the Conditions of Fitness for Hackney Carriages. In addition, vehicles should comply in the converted (wheelchair/disabled access) state to the following standard:

European Community Whole Vehicle Type Approval.

A nearside door must be used for wheelchair access. Vehicles which use a rear door for wheelchair access are not acceptable.

A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use. The storage of the ramps when not in use must not impede access or egress of passengers.

There must be a slip-resistant surface on the ramp/ramps.

Anchorage must be provided for the wheelchair and chair bound passenger.

Restraints for wheelchair and occupant must be independent of each other. Belts attached to a wheelchair in order to assist a person to remain in it whilst travelling will not be acceptable.

Vehicles must be capable of transporting a folded wheelchair as luggage. Anchorages must also be provided for the safe storage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment.

All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

**NOTE:** Vehicles, which have been confirmed to comply with the specification, and have as a result become licensed, shall remain compliant with these standards throughout the duration of the licence.

## **10. Fares and Taximeters**

The vehicle shall contain a statement of fares to be fitted and maintained in such a position so as to be clearly visible at all times to the hirer. The statement shall clearly show the following:

- a) the minimum charge of each hiring (if any).
- b) the fare tariff.
- c) the retention charge per minute or portion thereof.
- d) any additional charges.

The vehicle shall be provided with a calendar meter that must be maintained and operational at all times the vehicle is in use.

## **Appendix 3**

### **Hackney Carriage Bye Laws 2019**

MADE UNDER SECTION 68 OF THE TOWN POLICE CLAUSES ACT 1847  
AND SECTION 171 OF THE PUBLIC HEALTH ACT 1875, BY THE COUNCIL  
OF THE BOROUGH OF BURNLEY WITH RESPECT TO HACKNEY  
CARRIAGES IN THE BOROUGH OF BURNLEY

#### **DEFINITIONS**

1. Throughout these byelaws  
"The Council" means the Council of the Borough of Burnley.  
"The district" means the Borough of Burnley  
"The Booking Clerk" means any person tasked by an operator to receive and /or record and private hire bookings  
"The Approved Course" means the DriversVRQ2 (BTEC)course for Transporting Passengers by Taxi and Private Hire or similar qualification that includes such learning modules as may be required by the Council, and that at least matches or exceeds the level of qualification attained by the VRQ2 (BTEC)

#### **PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE SHALL BE DISPLAYED**

- 2 a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.  
b) A proprietor or driver of a Hackney Carriage shall: -
  - i) not willfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire.
  - ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material is illegible.

#### **PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED**

3. The proprietor of a Hackney Carriage shall: -
  - a) Provide sufficient means by which any person in the carriage may communicate with the driver.
  - b) Cause the roof or covering to be kept watertight.
  - c) Provide any necessary windows and a means of opening and closing not less than one window on each side
  - d) Cause the floor to be provided with a proper carpet, mat, or other suitable covering
  - e) Cause the seats to be properly cushioned or covered
  - f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for service

- g) Provide means for securing luggage if the carriage is so constructed as to carry luggage
- h) Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use
- i) Provide at least two doors for the use of people conveyed in such carriage and a separate means of ingress and egress for the driver

4. The proprietor of a Hackney Carriage shall cause the same to be provided with a taxi meter to be constructed, attached and maintained to comply with the following requirements, that is to say:

- a) The taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter
- b) Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the meter
- c) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter, in clear legible figures, a fare not exceeding the rate, or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf
- d) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon
- e) The taximeter shall be placed that all letters and figures on the face thereof are, at all times, plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
- f) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging, or permanently displacing the seals or other appliances

**PROVISIONS RELATING TO THE CONDUCT OF PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES**

5. The driver of a Hackney Carriage provided with a taxi meter shall: -
- a) When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaws in that behalf, locked in the position in which no fare is recorded on the face of the taximeter
  - b) As soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag, or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring
  - c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957, and at other times at the request of the hirer

6. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with, any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. A proprietor or driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired: -
  - a) Proceed with reasonable speed to one of the stands in the district
  - b) If a stand, at the time of his arrival is occupied by the full number of carriages authorised to occupy it, proceed to another stand
  - c) On arriving at a stand not already occupied by a full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand to face in the same direction
  - d) From time to time when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward to fill the place previously occupied by the carriage driven off or moved forward
8. A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of another person for the purpose
9. A proprietor or driver of a Hackney Carriage, shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the carriage except with the consent of the Council
10. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle
11. The driver of a Hackney Carriage shall not at any time while driving on hire, smoke any tobacco or like substance, or play a wireless set, except with the consent of the hire
12. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place
13. The driver of a Hackney Carriage when hired to drive to a particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route
14. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such a carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage
15. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage, he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible



16. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage: -

- a) convey a reasonable quantity of luggage
- b) afford reasonable assistance in loading and unloading
- c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such a person

17. The driver of a Hackney Carriage shall notify the Council of any conviction against him or of any acceptance by him of an endorsable fixed penalty notice or simple caution for criminal or motoring offences or of any pending prosecutions taken against him for such types of offences since the issue of his Hackney Carriage driver's licence

18. No person shall act as a driver of a Hackney Carriage at any time after 6 months of the date on which the licence to drive is first granted to him by the Council unless:

- a) within not more than 7 days after the grant by the Council of a Hackney Carriage driver's licence to him, he registered for the Approved Course and
- b) he successfully completed the Approved Course within 6 months of the date of the grant by the Council of the Hackney Carriage driver's licence to him

19. Byelaws 18(a) and 18(b) shall not apply to a driver who has, prior to the grant by the Council of a Hackney Carriage driver's licence to him, successfully completed the Approved Course

20. No person shall drive a Hackney Carriage without first having completed a child sexual exploitation awareness course approved by the Council

#### **PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING OF CHARGES TO BE IN RESPECT THEREOF**

21. The proprietor or driver of a Hackney Carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein

22. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him: -

- a) Carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a Police station within the district and leave it in the custody of the officer in charge of the station on his giving receipt for it
- b) Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to 5 pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station, whichever be the greater) but not more than 5 pounds

#### **PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT AND SECURING THE DUE PUBLICATIONS OF SUCH FARES**

23. a) The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by the combination of the distance and time unless the hirer express at the time commencement of the hiring his desire to engage by time

b) Where a Hackney Carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter

24. a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures

b) The proprietor of a Hackney Carriage bearing a statement of fares in accordance with the byelaw shall not willfully or negligently cause or suffer the letter or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire

#### PENALTIES

25. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding fifty pounds and fifty pounds for a second or subsequent offence.

#### REPEAL OF BYELAWS

26. The byelaws relating to hackney carriages which were made by the Burnley Borough Council on the 2<sup>nd</sup> day of August 1978 and confirmed by one of Her Majesty's Assistant Under Secretaries of State on the 6<sup>th</sup> day of October 1978 are hereby repealed

## Appendix 4 Supplemental Testing Manual

### THE LICENSING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES SUPPLEMENTAL TESTING MANUAL FOR ELEMENTS OF THE VEHICLE TEST IN ADDITION TO VOSA STANDARDS

<b>1. EXTERIOR OF VEHICLE</b>			
<b>METHOD OF INSPECTION</b>		<b>REASON FOR REJECTION</b>	<b>NOTES</b>
<b>1.1</b>	The exterior of the bodywork, the underside of the vehicle and the engine compartment must be in a suitable clean condition to allow for proper inspection of these areas	Contamination preventing proper inspection	If the vehicle is presented for inspection in such a condition that prevents a full examination of items for inspection, the vehicle test will not be carried out. Vehicle exterior to be washed clean for presentation for test.
<b>1.2</b>	Check all door check straps to ensure that doors are held in place when fully opened.	Door check straps which fail to hold the doors in place when fully opened. Door check straps which fail to restrain the doors when fully open, causing panel damage.	All repairs should be carried out to a professional standard. Drivers may appeal to Licensing Team if vehicle failed for dents.
<b>1.3</b>	Examine the external body panel and structure for evidence of corrosion, damage and / or unsatisfactory repairs	Visibly poor or shoddy repairs constitute a fail. A dent on a panel over 60mm in diameter at its widest point and over 4mm deep constitutes a fail. Multiple dents – More than 4 dents up to 60mm in diameter and 4 mm deep on the whole of the vehicle constitutes a fail	Allowances will be made for small stone chips which are not showing signs of rust. Drivers may appeal to Licensing Team if vehicle failed for scratches / dents. A scratch constitutes paint removal to undercoat or metal.
<b>1.4</b>	Examine the external paintwork for damage which adversely affects the appearance of the vehicle.	An obvious mismatch of paint constitutes a fail. A scratch mark over 300 mm long constitutes a fail. More than 3 scratches over 150 mm on the whole of the vehicle constitute a fail. A single rust scab over 20mm constitutes a fail. More than 3 rust scabs over 10mm constitute a fail.	Allowances will be made for small stone chips which are not showing signs of rust. Drivers may appeal to Licensing Team if vehicle failed for scratches / dents.  A scratch constitutes paint removal to undercoat or metal.
<b>1.5</b>	Ensure that the front and rear bumpers Are in good condition and are securely fixed to the vehicle.	Badly damaged or inadequately secured front or rear bumpers. Visibly poor or	Advice will be issued for minor damage

		shoddy repairs constitute a fail.	
1.6	Examine the rubber seals to every door for damage, looseness, or absence.	A door seal which is damaged or worn to the extent that air/water penetration may occur constitutes a fail. Any sharp edges arising from door seal defects constitutes a fail.	
1.7	Check that every reversing light fitted by the manufacturer of the vehicle is complete, in good working order and in clean condition	A reversing light which: a) does not operate when reverse gear is selected. b) is incomplete, not in good working order or in clean condition, i.e. so damaged or deteriorated that its function is impaired. c) emits other than a steady white light when reverse gear is selected or remains on when reverse gear is deselected d) is insecure or does not provide adequate illumination to the rear of the vehicle	

**2. SIGNS – PRIVATE HIRE VEHICLES THIS SECTION DOES NOT APPLY TO VEHICLES PRESENTED FOR INSPECTION WHERE AN INITIAL APPLICATION FOR A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE LICENCE IS TO BE MADE**

	METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
2.1	Examine the company door signs affixed to the front passenger and drivers doors and Insurance stickers affixed to the rear passenger doors to ensure that they comply with the conditions attached to private hire vehicle licences.	Failure to display the name of the private hire company and/ or its telephone number, web address or e mail address in the manner prescribed in the conditions attached to private hire vehicle licences.	
2.2	Examine the vehicle to ensure that "No Smoking" signs are displayed and are clearly visible to passengers	'No Smoking' signs not displayed or displayed in such a manner that they cannot be clearly seen by passengers 'No Smoking' signs displayed that do not conform to the size and design required.	'No Smoking' signs that comply with the legislation can be obtained free of charge from the Licensing Team
2.3	Examine any signage displayed on the vehicle to ensure that it complies with the conditions attached to the vehicle licence	Vehicle is displaying signage in contravention of the conditions attached to the vehicle licence.	Private Hire vehicles are prohibited from displaying any advertisement.
2.4	Examine any advertisement either in or on the vehicle to ensure that it meets the criteria for advertising contained in the conditions attached to hackney carriages	Adverts that exceed the dimensions and or content contained in the hackney carriage conditions.	

<b>2.5</b>	Examine the vehicle to ensure that signs that state, 'Burnley Borough Council – Licensed Hackney Carriage' are displayed on the rear passenger doors and contain the same licence number that is displayed on the licence plate.	Signs not displayed Signs damaged so as to render them unreadable	Signs will be provided free of charge by the Council when the vehicle is first licensed. The cost of any replacement signs required will be the responsibility of the vehicle proprietor
<b>3. LICENCE PLATES</b>			
	<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>
<b>3.1</b>	Examine the licence plate mounting and ensure that it is securely fixed to the vehicle	A mounting plate which is not adequately secured to the vehicle by a Council approved method	Hackney carriage plates shall be fixed in the centre of the boot lid. Private hire plates shall be fixed to the rear offside of the vehicle
<b>4. TYRES AND SPARE WHEEL</b>			
	<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>
<b>4.1</b>	Ensure that the tyre provided on the spare Wheel is the same size and construction as those fitted to the road wheels.	A tyre which is of a different size or construction. (Space saver tyres are acceptable)	The vehicle must be presented with a spare tyre which, if fitted to the vehicle, would satisfy all legal requirements.
<b>4.2</b>	Examine the tyre which is fitted to the spare wheel for signs of damage or excessive wear and ensure that it complies with all legal requirements	Damaged, excessive wear, sub-standard or otherwise illegal tyres	
<b>4.3</b>	Check that the tyre is not excessively over inflated or under inflated.	Excessively over or under inflated spare tyre	
<b>4.4</b>	Examine the jack and wheel brace provided with the vehicle to ensure that they are in good working order.	Failure to provide a suitable jack and /or wheel brace with the vehicle in good working order	
<b>4.5</b>	Check the spare wheel fixing bracket (or similar securing device) to ensure that the wheel is properly secured in the correct position.	Failure to satisfactorily secure the spare wheel	
<b>4.6</b>	Check the rim of the spare wheel for any Signs of distortion or damage.	A wheel rim that is damaged or distorted to such an extent that it is rendered unserviceable	
<b>5. BOOT</b>			
	<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>

5.1	Examine the boot interior for evidence of Corrosion or water penetration	Corrosion to the floor of the booth, inner wing panels or lid or evidence of water penetration.	
5.2	Ensure that there is adequate boot floor Covering and that it is in good condition and offers adequate protection to luggage stored in the boot	Inadequate floor covering	
5.3	Examine the interior of the boot for Accumulations of dirt, dust, grease, litter etc. or staining of any surface which luggage may come into contact with.	Accumulations of dirt, grease, rubbish etc. in the boot which could soil, or damage luggage stored therein	The materials could contaminate passengers' luggage, taint food etc.
5.4	Check the boot for the presence of any flammable or corrosive materials.	Containers for the storage of petrol or any flammable or corrosive material shall not be carried in the vehicle	
5.5	Check the boot for loose tools and other Items.	Any tools or other items not adequately secured or would hinder storage of luggage	
5.6	Check that the vehicle boot support and mechanism adequately support the boot lid when it is in the 'lifted' position	Defective opening mechanism. Defective boot supports which prevent the lid from being properly secured in the 'lifted' position	
<b>6. ENGINE COMPARTMENT</b>			
	<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>
6.1	Ensure that the battery is properly secured in position and that any additional electrical equipment is safe and secure	A battery which is not adequately secured. Additional wiring or equipment which is unsafe or insecure	
6.2	Check the fan belt for signs of incorrect Adjustment and/or deterioration		Advice notes
6.3	Examine the engine mountings for Signs of deterioration.	Insecure or excessively deteriorated engine mountings	
6.4	Ensure that the radiator is properly Secured to the vehicle and check the cooling system for signs of any leaks	An inadequately secured radiator or leaks from the cooling system	
6.5	Check the clutch mechanism for correct operation		Advice notes
<b>7. INTERIOR OF VEHICLE</b>			
	<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>
7.1	Examine the floor and upholstery inside. The vehicle for accumulations of dirt, dust, litter, general debris, staining or excessive wear.	A vehicle which is in a dirty condition with an excessive accumulation of dust, litter, debris etc. or staining to the carpets or upholstery	Vehicle interior to be vacuum cleaned for presentation for test
7.2	Examine the upholstery and ensure that it is not excessively worn, holed or torn	Upholstery is excessively worn, hole or torn	

<b>7.3</b>	Examine each of the passenger seats to Ensure that all seat cushions and back rests are in good condition and offer proper support to passengers	Seat cushions or back rests which are in poor condition and/or offer poor support to passengers	
<b>7.4</b>	Examine the rear seats to ensure that the seat base is secure	Inadequately secured rear seat bases	
<b>7.5</b>	Check the operation of the interior light, both the door manual switch and the door operated switches if fitted by the manufacturer	Faulty interior light switches or door switches	
<b>7.6</b>	Check the operation of the heater/windscreen de-mister to ensure that it is in satisfactory	Defective heater/windscreen de-mister	
<b>7.7</b>	Check the anti-slip face on the clutch Pedal	The anti-slip provision on the clutch pedal is missing, loose or worn smooth	
<b>7.8</b>	Check the operation of all window winder mechanisms ensuring that they all windows to be fully lowered and raised easily	Window mechanisms that do not allow windows to be easily lowered or raised	
<b>7.9</b>	Check the operation of all rear doors from the interior of the vehicle	A rear door that cannot be opened from the inside using the interior handles	
<b>7.10</b>	Check that interior and exterior mirrors Are fitted	Missing, insecure or defective mirrors which do not give a clear view to the rear from the driver's seat	
<b>7.11</b>	Check that there are no excessively unpleasant odours noticeable inside the vehicle	Unacceptable smell including vomit, waste food or other similar contaminants	
<b>7.12</b>	Ensure that all emergency exits provided are clearly marked, in letters not less than 25mm high, on both the inside and outside with the words, 'EMERGENCY DOOR' or 'FOR EMERGENCY USE ONLY' adjacent to that exit	The words, 'EMERGENCY DOOR' or 'FOR EMERGENCY USE ONLY' are not displayed on either the inside or outside	Sections 7.12 and 7.13 are only applicable to vehicles which are licensed for the carriage of 8 passengers not including the driver
<b>7.13</b>	Check that the means of operation for the emergency exits is clearly indicated on or near the door	The means of operation are not clearly indicated	
<b>7.14</b>	Check that the wheelchair ramps slide easily and smoothly from stowage and that they are in good condition.	Ramps not present. Ramps that are not easily removed from stowage.	Storage of ramps when not in use must not impede access or egress of passengers
<b>7.15</b>	Check that an adequate locating device is fitted to ensure that ramps do not slip or tilt when in use	No locating device	
<b>7.16</b>	Check that anchorages are provided both for wheelchairs and for passengers travelling in wheelchairs. Restraints must be independent of each other	No separate anchorages for wheelchairs and for passengers	A single restraint i.e. either wheelchair anchorage or seatbelt that restrains passengers in

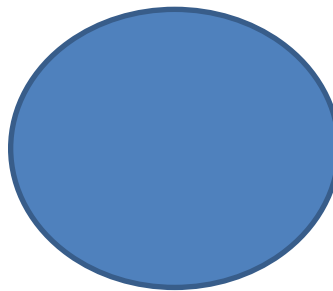
			wheelchairs is not acceptable.
<b>7.17</b>	Examine grab handles at door entrances to ensure that they are securely fixed to the vehicle.	Grab handles missing or not securely fixed	
<b>8. FIRST AID KIT</b>			
	<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>
<b>8.1</b>	Check that there is a first aid kit	Failure to provide first aid kit	
<b>9. FIRE EXTINGUISHER</b>			
	<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>
<b>9.1</b>	Examine the fire extinguisher to ensure that it is not empty or has been damaged so as to prevent it from operating correctly	A leaking, empty or damaged fire extinguisher	
<b>10. ROAD TEST</b>			
	<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>
<b>10.1</b>	Drive the vehicle over a measured distance and check for meter calibration at 1320 yards and a further increment of 220 yards	A taxi meter fare reading that does not comply with the Council's current fare/tariff charge	Applies to hackney carriages and private hire vehicles fitted with meters
<b>10.2</b>	Check integrity of meter seals	Seals which have been tampered with or removed	Ditto
<b>10.3</b>	Check that the meter fitted is a Calendar	Non – Calendar meter fitted	Ditto

Please see the next page regarding scratches and dent & rust sizes..

Any scratch on your vehicle that is longer than this means your vehicle will fail



Any dent on your vehicle that is bigger than this → means your vehicle will fail.



Any rust scab or blemish that is bigger than this →



your vehicle will fail.



## Appendix 5 Vehicle Age Limits

### Hackney Carriage Vehicles

Permitted Vehicle Types	Traditional LTI black cabs Mercedes Vito Taxi Mercedes Benz M8 Hackney. (similar to Vito taxi but without 4 wheel steering) Peugeot E7 (SE Model) by Allied Vehicles	
Lower Age Limit (new applications)	3 or 4 years	Determined by the emissions standard of the vehicle. In practice it will be 4 years until further notice
Upper Age Limits	Vehicles licenced prior to 11.4.14	12 years
	Vehicles licenced from 11.4.14	10 years
	Where exceptional condition is met	15 years (Exceptional condition criteria explained below)
Written off vehicles	Replaced with a vehicle up to the age of that written off, up to the 10 year limit	

**EXCEPTIONAL CONDITION CRITERIA** Any vehicle inspection resulting in a fail where an authorised MOT vehicle examiner identifies 2 or more dangerous or major faults or where the vehicle is found to have a poor maintenance history, evidenced by 2 or more previous suspensions for vehicle safety issues within the proceeding 2 years will usually result in the vehicle no longer being classed as in exceptional condition upon expiry of the licence.

It will not be acceptable for such a vehicle to be taken away, repaired and presented for a further test. Any further application will not be accepted for such a vehicle. Dangerous and Major faults are outlined in the DVSA MOT Inspection Manual: Cars & Passenger Vehicles.

Reference to this manual can be found using the following link: [MOT inspection manual: cars and passenger vehicles - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/mot-inspection-manual-cars-and-passenger-vehicles)

### Private Hire Vehicles

Saloons, Estate Cars and small M.P.V's.	No lower age limit. Upper age limit of 8 years.
Large M.P.V's and Minibuses that are NOT wheelchair accessible.	Lower age limit of 6 years (ie the vehicle must be less than 6 years old at the time of first application). Upper age limit of 12 years (which only applies if the licence is continuously renewed).
Large M.P.V's and Minibuses that ARE wheelchair accessible	Lower age limit of 8 years (ie the vehicle must be less than 8 years old at the time of first application). Upper age limit of 15 years (which only applies if the licence is continuously renewed).

To be classed as a large MPV, the overall length of the vehicle has to be 4.8 metres or more.

## Appendix 6 Vehicle Application Guidance

If you are considering applying to licence such a vehicle the following information should be submitted at the time of applying:

1. Fully Completed Application Form
2. Motor Insurance Policy (A Schedule of Insurance is unacceptable)
3. Compliance Test Certificate
4. V5 Registration Document
5. Current DBS Certificate (if applicable) Most existing operators and drivers will already have presented an enhanced DBS certificate for licensing purposes. For vehicle proprietors who are not licenced as an operator or driver, a basic DBS certificate is required.

For existing licence holders, you are advised that an application **should** be submitted prior to the expiry date of the current licence of the vehicle concerned.

**Please note:** Vehicle licence/plate applications should be submitted using the drop/post box situated at the Contact Centre on Parker Lane, Burnley to the left of the main entrance doors at the junction of Grimshaw Street.

## Appendix 7

### List of Approved Taxi Test Stations in Burnley

Company	Contact Details	Opening Hours
<b>Lancashire County Engineering Services,</b> Brindley Close, Network 65 Business Park, Hapton, Burnley BB11 5TD	01282 448873	Monday to Thursday 07:30 to 15:30 Friday 07:30 to 15:00
<b>Marshall's Motor Engineers,</b> Unit 2, Kitchen's Garage, Trafalgar Street Service Station, Trafalgar Street, Burnley, BB11 1TQ	01282 428100 07860422843 <a href="mailto:sales.marshalls@live.co.uk">sales.marshalls@live.co.uk</a>	Monday to Friday 08.00 to 18.00 Saturday 08.00 to 12.00
<b>CK Motors,</b> Unit 21, Smallshaw Ind. Estate, Phoenix Way, Burnley BB11 5SX.	01282 423700 <a href="mailto:ck@ckmotors.co.uk">ck@ckmotors.co.uk</a>	Monday to Friday 09.00 to 17.00
<b>Evans Halshaw,</b> Eastern Avenue, Burnley BB10 2AP	01282 425991	Monday to Friday 08.30 to 16.30 Saturday 08.30 to 12.30
<b>Bates Car and Commercial,</b> Park Road, Padiham, Burnley BB12 7AN	01282 779993 <a href="mailto:bbate57@msn.com">bbate57@msn.com</a>	Monday to Friday 08.00 to 18.00 Saturday 08.00 13.00

## **Appendix 8**

### **Insurance Advice to Applicants**

It is the responsibility of the person applying for a Hackney or Private Hire vehicle licence to produce the original insurance certificate for the vehicle they wish to licence.

We do not accept photocopies or faxed copies of motor insurance. The document produced must be either a certificate of insurance or a cover note. We do not accept an insurance policy document. It is not proof of insurance.

We do not accept Insurance certificates issued to 'third parties'. The holder of the Insurance certificate **MUST** be the same person who is named as the registered keeper of the vehicle and the same person who is applying for the vehicle licence. The only exception to this is where the insurance certificate has been issued to a Burnley licensed private hire operator and the application and registration document are in the name of the holder of that operators licence.

If you are producing a fleet policy or a policy that is for 'any vehicle' you must produce a separate vehicle schedule which lists all the vehicles that are covered. The schedule should be linked to the certificate of insurance you are producing i.e. the serial number on the certificate of insurance should be the same as that on the schedule. The schedule should also be dated.

#### **Important Note**

It is not the responsibility of Council staff to ring your insurance company in order to verify your insurance details.

## Appendix 9 Hackney Carriage Stands

<b>All Day Stands</b>	<b>Number of Vehicles – Total = 30</b>
Croft Street	2
Gunsmith Place	10
Central Station	2
Bankfield	4
Curzon Street	3
Side Burnley Road, Padiham	2
Burnley Road, Padiham	2
Lune Street, Padiham	2
Waddington Street, Padiham	1
Manchester Road Station	2

<b>Stands 12 midnight to 4.30am</b>	<b>Number of Vehicles – Total = 12</b>
St James's Street	5
Ormerod Street	7

<b>Stands 12 midnight to 4.00am</b>	<b>Number of Vehicles – Total = 11</b>
Hammerton Street west	5
Hammerton Street east	6

<b>Stands 10.0pm to 4.30am</b>	<b>Number of Vehicles – Total = 11</b>
Manchester Rd (big window)	4
Hargreaves St north	3
Hargreaves St south	4

## Appendix 10 Hackney Carriage Table of Fares

THE DRIVER IS REQUIRED BY LAW TO SWITCH THE TAXI METER ON AT THE START OF EACH JOURNEY

Applies to all journeys within the Borough Boundary and to journeys outside the Borough Boundary unless agreed otherwise between driver and hirer prior to the hiring.

TARIFF 1	
<b>For hiring commenced between the hours 6.00 am and midnight each day</b>	
For the first 1320 yards (three quarters of a mile) or 4 minutes	<b>£3.00</b>
For each succeeding 220 yards or 40 seconds thereafter or a combination of both	<b>£0. 20</b>

TARIFF 2	
<b>For hiring commenced between midnight and 6.00 am each day, Statutory Holidays and Bank Holidays (excluding Christmas and New Year):</b>	
For the first 1320 yards (three quarters of a mile) or 4 minutes	<b>£3.50</b>
For each succeeding 220 yards or 40 seconds thereafter or a combination of both	<b>£0. 20</b>

TARIFF	
<b>For hiring commenced between the hours 6.00 pm Christmas Eve and 6.00 am 27 December and between 6.00 pm New Year's Eve and 6.00 am 2 January:</b>	
For the first 1320 yards (three quarters of a mile) or 4 minutes	<b>£5.00</b>
For each succeeding 220 yards or 40 seconds thereafter or a combination of both	<b>£0. 40</b>

### EXTRA CHARGES.

- To cover cleaning and loss of income, where the interior of the vehicle is soiled (at the discretion of the driver) not exceeding £50.00
- Before the journey starts the driver must advise if He / She is exercising discretion to charge a maximum of £1.00 for carrying abnormal loads. (This does not apply to carriage of suitcases, hand – held luggage, shopping bags, prams / pushchairs or wheelchairs.)
- Assistance dogs **must** be carried free of charge.

DRIVERS may ask customers to pay an estimated fare or deposit, up-front.

## Appendix 11 Right to Work

A licence will not be issued to an individual who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued will expire when the right to work expires and will become invalid when a licence holder ceases to be entitled to work in the UK.

Applicants must demonstrate that you have the right to work in the UK and are not subject to a condition preventing you from doing work relating to the carrying on of a licensable activity.

You can do this in one of two ways:

- 1) by bringing with you an original document (as determined by the Home Office) which will be copied and scanned onto our system that demonstrates your entitlement to work in the UK.
- 2) by providing your 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

### Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their '**share code**' (provided to them upon accessing the service at: [Prove your right to work to an employer - GOV.UK \(www.gov.uk\)](https://www.gov.uk/verify-right-to-work) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office.

## Appendix 12

# Policy Guidelines to Fitness & Propriety Including Convictions and Other Relevant Information

NOTE: In the Council's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights.

This document aims to provide guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:

- Applicants for drivers' Licences
- Existing licensed drivers whose Licences are being reviewed
- Applicants for Operator's Licences
- Existing licenced Operator's whose licences are being renewed
- Applicants for Vehicle licences
- Existing Vehicle licence holders whose licences are being renewed
- Licensing Officers
- Members of the Licensing Committee
- Magistrates hearing appeals against local authority decisions
- Lancashire Constabulary

Where Officers have delegated powers to grant or refuse Licences, they will utilise these guidelines when making a decision to grant a Licence. In other cases Applications for Licences will be referred to the Licensing Committee.

Whilst Officers and the Committee will have regard to the guidelines contained in the policy, each case will be considered on its Individual merits and, where the circumstances demand, the Committee/Officer may depart from the guidelines.

### Background

#### **1. In this Policy the following words have the following meanings:**

- a. "Applicant" means a person applying for a Licence, an existing Licence Holder applying for renewal of a Licence, or an existing Licence Holder whose Licence is subject to a decision by the Council to revoke, suspend or take no further action
- b. "Application" means an Application for a Licence, an application for renewal of a Licence, or a decision by the Council to revoke, suspend or take no further action in respect of an existing Licence
- c. "Conviction" means a conviction, caution or formal warning and endorsable fixed penalty
- d. "Council" means Burnley Borough Council
- e. "Driver" means a person applying for a Licence or a Licence Holder
- f. "Individual" includes an existing Licence Holder, an applicant for a new Licence, and an Applicant for the renewal of an existing Licence
- g. "Issue" includes any complaints made to the Council, Police, Operators or any other agency, breaches of licensing conditions and intelligence received from other agencies (including circumstances which have not resulted in a criminal Conviction or other disposal). E.g. incidents which have resulted in a police investigation where there has been no further action due to the criminal burden of proof will still be considered if the Council is satisfied that the incident occurred based on the balance of probabilities)
- h. "Licence" means a Licence to drive a hackney carriage or a private hire vehicle.
- i. "Licence Holder" means the holder of a current valid Licence granted by the Council

#### **2. Where this Policy refers to a period free of Conviction:**

(A) Subject to paragraph (B), that period is to be calculated as commencing on the later of –



- a) the date of the Conviction (or where the Conviction is appealed, the date on which the appeal is finally disposed of or withdrawn or fails for want of prosecution).
- b) in the case of a Licence Holder, the date the Conviction was reported to the Council.
- c) in the case of a Licence Holder, the date the Council became aware of the conviction from any other source.
- d) the date any custodial sentence was completed; or
- e) the end date of any period of disqualification from driving and ending on the date of determination of the Application.

(B) In the case of:

- i) a refusal to renew a licence; or
- ii) a suspension or revocation of a Licence other than a suspension or revocation which has immediate effect by virtue of section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 where the decision to refuse to renew, suspend or revoke is appealed, the period free of Conviction as calculated in accordance with paragraph (A) shall be extended by the period of time equal to the length of period of time commencing on the date of the decision in respect of which such appeal proceedings are commenced and ending on the date on which that appeal is disposed of or withdrawn or fails for want of prosecution, and the end date of the period free of Conviction shall be calculated accordingly.

**3.** Licences for drivers of Hackney Carriages or Private Hire vehicles may only be granted where the Council is satisfied that the Individual is a fit and proper person to hold such a Licence.

**4.** The document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person namely the situation where a person has previous Convictions and cautions.

**5. The Council is concerned to ensure:**

- a. That a person is a fit and proper person.
- b. The public are not exposed to persons with a history of dishonesty, indecency or violence.
- c. The safeguarding of children and young persons and vulnerable adults.

**6.** The public are not normally permitted to attend Committee hearings for Private Hire or Hackney Carriage drivers Applications however, in determining whether to grant a Licence the committee or officers will take into account the human rights of the wider public and balance these against the human rights of the Applicant.

**7.** When submitting an Application, Individuals are required to declare **all** previous Convictions they may have. Individuals are also required to declare **all** formal/simple cautions, any matters of restorative justice and **all** fixed penalties and **all** endorsable fixed penalties they have received and to provide details of **all** criminal matters of which they are currently the subject of criminal investigation or prosecution. It is an offence for any person knowingly or recklessly making a false declaration or to omit any material particular in giving information required by the Application for a Licence. Where an Applicant has made a false statement or a false declaration on their Application for the grant or renewal of a Licence, the Licence will normally be refused. Further applications from the same person will not normally be granted within 6 months of the date of the initial refusal.

**8.** The information given will be treated in confidence and will only be taken into account in relation to the relevant Application to assist the Council in determining whether the Applicant is a fit and proper person to hold a Licence for the purposes of sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether the Council should exercise any of its powers under section 61 of the Act (i.e. suspension, revocation or refusal to renew a Licence).

**9.** Applicants for a Licence to drive a Hackney Carriage or Private Hire vehicle should be aware that the Council is empowered by law to check with the Disclosure Barring Service for the existence and content of any criminal record and other intelligence held in their name. Officers from the Licensing Team will

where appropriate contact other agencies for any other information which they may hold for instance, the Council's Housing Service, Lancashire County Council Children's Services and Lancashire Constabulary. Information received from the Disclosure Barring Service or other agency will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the Application is determined or any appeal against such determination is decided.

**10.** The disclosure of a criminal Convictions or other relevant information relating to an Individual's conduct will not necessarily debar an Individual from being granted, retaining or renewing a Licence. It will depend on whether or not the Individual can satisfy the Council that they are a fit and proper person to hold such a Licence.

**11.** The Council may fail to be satisfied that an Individual is a fit and proper person to hold a Licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a Licence.

**12.** In considering evidence of an Individual's good character and fitness to hold a Licence, where previous Convictions or other information relating to criminal matters/character is disclosed, the Council will consider the nature of the offence/Issue and penalty. When it was committed/took place, the date of Conviction/Issue and the length of time which has elapsed, the Individuals age when the offence was committed/Issue took place whether or not it is part of a pattern of criminal behaviour, the intent, the harm which was, or could have been caused and any other factors which might be relevant. Where an Individual has been convicted of a criminal offence, the Council cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)]

**13.** The Council has adopted the following guidelines relating to the relevance of Convictions to which it refers in determining Applications for Licences and when considering whether to take any action against an existing Licence Holder, and references to the grant of a licence in these guidelines shall be construed accordingly.

**14.** The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an Individual. If an Individual has a Conviction for an offence not covered by the guidelines regard will be added to the factors at paragraph 12 when deciding whether any action should be taken.

**15.** Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

**16.** The guidelines are not an attempt to define what a "fit and proper person" is.

**17.** Any Individual who is refused a Licence or has such a Licence suspended or revoked has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

## **GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS AND OTHER INFORMATION**

### **General Policy**

**1.** Each case will be decided on its own merits.

**2.** The Council has a duty to ensure so far as possible that drivers are fit and proper persons to hold Licences. One aspect of that is the extent to which previous Convictions, including but not limited to

Convictions for offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.

**3. The Council has a duty to take into account any complaints made to the Council, Police, licensed Operators or any other agency, breaches of licensing conditions and any intelligence received from other agencies (including circumstances which have not resulted in a criminal Conviction or other disposal, e.g.**

- a) incidents that have resulted in a police investigation where there has been no further action due to the criminal burden of proof will still be considered if the Council is satisfied that the incident occurred based on the balance of probabilities.
- b) Incidents that have resulted in the suspension or revocation of a licence which has been issued by another Council.

**4.** Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal court system. The Council recognises that restorative justice and other out of court disposals tend to be applied in less serious cases or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.

**5. An Individual with a Conviction for a serious offence need not be automatically barred from obtaining a Licence, but would normally be expected to:**

- a) Remain free of Conviction for an appropriate period; and
- b) how adequate evidence that he or she is a fit and proper person to hold a Licence (the onus is on the Applicant to produce such evidence). A person with a Conviction for a single serious offence or a number of separate offences is not barred from applying for a private hire or hackney carriage driver Licence, but would normally be expected to remain free from Conviction for an appropriate period (which will depend on the nature of the offence.)
- c) Simply remaining free of Conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a Licence.

**6.** Some discretion may be appropriate if the offence is an isolated one with mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. (In any case which involves certain specified sexual offences, murder or manslaughter a Licence will normally be refused.)

**7.** In relation to the period that a driver is expected to remain free of Conviction as detailed in paragraphs A-D and F, if an Applicant has more than 1 Conviction for any of the offences listed, the period free of Conviction will increase by 1 year per additional offence.

**8. Where the Licensing Committee convene to consider an Application they may do so by:**

- a) Hearing with notice – Notice of the time and date when a committee will be convened will be given to the Applicant ahead of the date listed in order to allow the person to seek independent legal advice and to attend and be represented at the hearing. The procedure to be followed will be provided to the Applicant with the notice.
- b) Ex-parte hearing – which will take place in accordance with the Ex-parte hearings policy. In exceptional circumstances relevant information will be assessed to balance a person's right to a fair hearing against whether or not it is in the public interest to hold the hearing ex-parte.

**9.** Where new offences are created or existing offences are consolidated or re-enacted etc. they will be treated in a manner appropriate to their severity whether or not this guidance has been updated to reflect the changes.

**10.** The following examples afford a general guide on the action, which might be taken where Convictions are disclosed.

### **A. OFFENCE OF DISHONESTY**

Applicants are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.

Passengers may include especially vulnerable people and children.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing, passengers may include especially vulnerable people. In certain situations drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station.

The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.

For these reasons a serious view is taken of any Convictions involving dishonesty.

In general, a minimum period of 5 years free of conviction should be required before granting a Licence.

Offences involving dishonesty include (but are not limited to);

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- And any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A Licence will not normally be granted if an Applicant has more than one Conviction for a dishonesty offence.

Applicants that are found to have intentionally misled the council, or lied as part of the Application process, will not be issued with a Licence.

### **B. VIOLENCE (OTHER THAN SEXUAL AND INDECENCY OFFENCES)**

Licensed drivers have close, regular contact with the public. A firm line is to be taken with those who have Convictions for offences involving violence. An Application will normally be refused if the Applicant has a Conviction for an offence that involved the loss of life.

Unless there are exceptional circumstances a Licence will not normally be granted where the Applicant has a Conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences

- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A Licence will not normally be granted where the Applicant has a Conviction for an offence or similar offence(s) which replace the below offences and the Conviction is less than 10 years prior to the date of Application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault with racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A Licence will not normally be granted where the Applicant has a Conviction for an offence or similar offence(s) which replace the below offences and the Conviction is less than 5 years prior to the date of Application:

- Racially aggravated criminal damage
- Racially aggravated offence
- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A Licence will not normally be granted if an Applicant has more than one Conviction for an offence of a violent nature.

### **C. DRUGS**

An Application from an Individual who has a Conviction related to the supply, intent to supply or production of drugs and the Conviction is less than 10 years prior to the date of Application will generally be refused

An Application from an Individual who has an isolated Conviction for an offence related to the possession of Class A drugs or permitting premises to be used for drug activity within the last 7 years will generally be refused. A Conviction less than 10 years old will be referred to the Committee for determination.

An Application from an Individual who has an isolated Conviction for an offence related to the possession of Class B drugs within the last 5 years will generally be refused. A Conviction less than 7 years old will be referred to the Committee for determination.

An Application from an Individual who has an isolated Conviction for an offence related to the possession of Class C drugs within the last 3 years will generally be refused. A Conviction less than 5 years old will be referred to the Committee for determination.

An Application will normally be refused where the Individual has more than one Conviction for a drugs related offence

If any Applicant was an addict, then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment as required by the Council.

#### **D. SEXUAL AND INDECENCY OFFENCES**

As licensed drivers often carry unaccompanied and vulnerable passengers, the licensing authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences will be considered as serious. Applicants with Convictions for sexual or indecency offences that involve a third party will normally be refused a Licence. Such offences include but are not limited to...

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Possession of indecent photographs, child pornography etc.
- Indecent exposure
- Soliciting (kerb crawling)
- Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver

Any Individual currently on the sex offenders' register would not normally be granted a Licence. Intelligence and other information which has not resulted in a criminal conviction.

The Council will sometimes be made aware of other intelligence or low-level information about an Individual which has not resulted in the conviction of that person but is relevant in relation to their character. Officers will consider this information and will seek to consult with other appropriate agencies to ensure that they have a comprehensive understanding. Any additional information gathered through this process may then be taken into account.

#### **E. MOTORING CONVICTIONS**

##### **I. Major Traffic Offences**

- a) An isolated Conviction, without disqualification, for an offence such as dangerous driving will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of drivers. However, where the Conviction is within 3 years prior to the date of the Application the Application will normally be refused.
- b) Applications where there is more than one Conviction for this type of offence within the last 5 years will normally be refused

c) A list of offences to which this paragraph applies is attached as Appendix I.

## **2. Minor Traffic Offences**

- a) Isolated Convictions for minor traffic offences should not normally prevent an Application from being granted. However, the number, type and frequency of this type of offence will be taken into account. In particular, an Application will normally be refused where the Applicant has 12 or more penalty points on his DVLA Licence (whether or not the Applicant was convicted by a court for the offences for which the points were imposed) or where the Applicant has more than one Conviction for this type of offence within the last 12 months, they will be expected to show a period free of conviction of at least 6 months
- b) A list of offences to which this paragraph applies is attached as Appendix II.

## **3. Hybrid Traffic Offences**

Offences of the type listed in Appendix III will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or less penalty points for the offence.

## **4. Disqualification**

### **a) Major Traffic Offence**

An application will generally be refused unless a period of 3 years free from conviction has elapsed from the restoration of the DVLA licence, and 5 years where the disqualification relates to driving whilst unfit through drink or drugs.

### **b) Minor Traffic Offence**

An application will generally be refused unless the individual can show a period free from conviction has elapsed from the restoration of the DVLA licence which is equal to the period of disqualification imposed by the court i.e. 3 month disqualification = 3 month period free from conviction. Where no disqualification has been given the period free from conviction will be determined by reference to the period(s) free from conviction for a minor traffic offence(s).

### **c. Hybrid Traffic Offence**

An application will generally be refused unless the individual can show a period free from conviction has elapsed from the restoration of the DVLA licence which is twice the period of disqualification imposed by the court. e.g. 3 month disqualification = 6 month period free from conviction. Where no disqualification has been given the period free from conviction will be determined by reference to the period(s) free from conviction for hybrid traffic offence(s).

## **5. Totting Up**

TT99 Totting up – if the total of penalty points reaches 12 or more within 3 years the driver is liable to disqualification by the Court.

## **6. Totting up With Disqualification**

An application will generally be refused unless the individual can show a period of at least 12 month free from conviction has elapsed from the restoration of the DVLA licence.

Where any of the offences which contribute to a totting up disqualification are a Major Traffic Offence the Council will consider the application under “Disqualification – major traffic offence”

## **7. Totting up without Disqualification**

In “totting-up” cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver the Council is likely to refuse driver’s Licence because different criteria apply and an Applicant will normally be expected to show a period of at least 12 months free from Conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

In these circumstances the Council will consider the application as a disqualification for the most serious of the offences contributing to the totting up (e.g. where the offences contributing to the totting up are SP30, SP80 and IN10 the Council would consider IN10 under 'Disqualification – Major Traffic Offence').

#### **F. Offences under the Town Police Clauses Acts and part 11 of the Local Government (Miscellaneous Provisions) Act 1976**

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Acts") is to ensure the protection of the public. For this reason, a serious view is taken of Convictions for offences under the Acts (including illegally plying for hire) when deciding whether an Applicant is to be treated as a fit and proper person to hold a Licence.

An Applicant will normally be refused a Licence where (s)he has been Convicted of an offence under the Acts at any time during the 2 years preceding the Application or has more than one Conviction within the last 5 years preceding the date of the Application.

#### **G. Drunkenness**

- a) Not in a motor vehicle
- b) An isolated Conviction for drunkenness need not debar an Applicant from being granted a Licence. In some cases, a warning may be appropriate. However, more than 1 Conviction in the last 2 years will merit a refusal.
- c) In addition the Applicant will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

#### **H. Spent Convictions**

By virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002 taxi drivers are an exempted occupation for the purposes of the 1974 Act and convictions are therefore never spent.

The Council will only consider spent Convictions if it appears to be relevant for deciding whether the Applicant is a fit and proper person to hold a Licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent Conviction. The council will in its consideration the nature of the offence(s), the history or pattern of offending, the lapse of time and whether all the convictions have previously been considered.

#### **MAJOR TRAFFIC OFFENCES**

(Paragraph (E,I) refers)

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of court
BA30	Attempting to drive while disqualified by order of court
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for analysis



CD71	Causing death by careless driving then failing to provide a specimen for analysis
CD90	Causing death by driving; unlicensed, disqualified or uninsured drivers
CU80	Using a mobile phone whilst driving a motor vehicle
D10	Causing serious injury by dangerous driving
D40	Dangerous driving
D60	Manslaughter or culpable homicide while driving a vehicle
D80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive when unfit through drugs
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive Failure to provide a specimen for drug analysis in circumstances other than driving or attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
N10	Using a vehicle uninsured against third party risks
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver etc.
UT50	Aggravated taking of a vehicle

**Aiding, abetting, counselling, or procuring**

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

**Causing or permitting**

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

**Inciting**

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)

**MINOR TRAFFIC OFFENCES**

(Paragraph (E,II) refers)

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street Offences
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test

MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a "Stop" sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

**Aiding, abetting, counselling or procuring**

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

**Causing or permitting**

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

**Inciting**

Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)

**HYBRID TRAFFIC OFFENCES**

(Paragraph (E,III) refers)

CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
LC20	Driving otherwise than in accordance with a Licence
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Undefined speed limit offence

**Aiding, abetting, counselling or procuring**

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

**Causing or permitting**

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

**Inciting**

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

## Appendix 13

### How to pay

Follow this link - [your.burnley.gov.uk](https://your.burnley.gov.uk) then click the **Services** tab > select the option for **Taxi Licensing** and then **Taxi Licensing Payment**.

You will then be required to register / login with your username and password or you can continue without an account.

You will need to provide some basic contact details. All fields marked with a star (\*) must be completed. From the **Licence Details** page, you will need to select a payment option. For badges or replacement badge holders/lanyards, select either Private Hire or Hackney **Driver Fees** and for plates or replacement stickers, select either Private Hire or Hackney **Vehicle Fees**.

You will then need to provide further details regarding yourself/your vehicle and will be given the option to order any additional lanyards/badge holders/plate holders/stickers. Please note, a badge holder and lanyard are provided free with new badge applications only. Door stickers x 2 are provided free with new plate applications only.

Once you have completed your payment options, you will be taken to the final payment screen to make your payment. You will receive a receipt number and a copy of your receipt will be e-mailed to you on completion.

When we have received your payment and your application has been processed, you will be contacted by telephone or e-mail to arrange collection of your documents from our Contact Centre on Parker Lane. Collections are Monday to Friday, 9am - 5pm.

## Appendix 14

### Conditions Relating to Private Hire Driver's Licences

#### Definitions

"The Council" means the Council of the Borough of Burnley.

"The identification plate" means the plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle.

"The operator" means a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

"The proprietor" has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

"Taximeter" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

1. The driver of a private hire vehicle shall at all times wear, whilst in the course of his duty, his private hire driver's licence to which must be affixed a passport style photograph for identification purposes. The licence must be shown, if required, to the hirer of the vehicle and to any "authorised officer" or police constable for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.
2. The driver of a private hire vehicle provided with a taximeter shall:
  - (a) as soon as the vehicle is hired by distance and before beginning the journey, bring the machinery into action by moving the said key, flag or other device, so the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - (b) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957 and also at any other time at the request of the hirer.
3. The driver of a Private Hire vehicle shall not tamper with or permit any person to tamper with, any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
4. The driver of a Private Hire vehicle shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the carriage except with the consent of the Council.
5. The driver of a Private Hire vehicle shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
6. The driver of a Private Hire vehicle shall not at any time smoke tobacco or like substance or permit any passenger to smoke tobacco or like substance.
7. The driver of a Private Hire Vehicle shall not, except with the express consent of the hirer, play any radio or sound reproducing equipment in the vehicle other than for communicating with the operator.
8. The driver of a Private Hire vehicle who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
9. The driver of a Private Hire vehicle when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

10. That the driver of a Private Hire vehicle shall not convey to permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage

11. The driver's badge provided by the Council shall be worn by the driver of a Private Hire vehicle in such position and manner as to be plainly and distinctly visible

12. When picking up the hirer, the driver shall make his presence known in person and shall not attract the hirer's attention by sounding the car horn, shouting or making any other disturbing noise.

13. The licensee shall not while driving or in charge of a Private Hire vehicle:

- a) tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or
- b) cause or procure any other person to tout or solicit on a road or any other public place, any person to hire or be carried for hire in any private hire vehicle,

**or**

c) offer that vehicle for immediate hire while the licensee or that vehicle is on a road or other public place provided that merely parking that vehicle on a road or other public place shall not of itself be deemed to be a breach of this condition,

**or**

d) accept an offer for the immediate hire of that vehicle while the licensee or that vehicle is on a road or other public place except where such offer is first communicated to the licensee by telephone, data system or by radio apparatus fitted to that vehicle.

14. The driver of a Private Hire vehicle so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the vehicle:

- a) convey a reasonable quantity of luggage;
- b) afford reasonable assistance in loading and unloading
- c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such a person.

15. The driver will ensure that a copy of the fare table in a form approved by the Council is exhibited inside the vehicle at all times the vehicle is being used for hire. The card must not be concealed from view, allowed to become defaced or rendered illegible.

16. The driver shall not demand from any hirer of a private hire vehicle a fare in excess any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter

17. The driver shall if requested by the hirer of a private hire vehicle provide him with a written receipt for the fare paid.

18. The driver of a private hire vehicle shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein

19. The driver of a private hire vehicle shall, if any property accidentally left therein by any person who may have been conveyed in the vehicle be found by or handed to him carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a Police Station within the district and leave it in the custody of the officer in charge of the station on his giving a receipt for it

20. The driver of a private hire vehicle shall, when required to do so by an authorised officer of the Council, return the driver's badge and licence to the Principal Licensing Officer and obtain a receipt for it
21. The driver of a private hire vehicle shall not permit any person to be conveyed in the vehicle without the consent of the hirer
22. The driver of a private hire vehicle shall not wilfully or negligently cause or suffer any licence plate to be concealed from public view while the vehicle is being used for the purpose of hire
23. A licensed driver must inform the Licensing Team immediately in writing and in any case not more than 7 days after the event if he / she changes operator
24. The driver of a private hire vehicle must, within 7 days, disclose to the Council in writing, details of any convictions, cautions or penalty notices for criminal or motoring offences and any pending prosecutions for such types of offences since the issue of his private hire driver's licence
25. The driver of a private hire vehicle must, within 7 days, inform the Council of any change of his home address.
26. The driver of a private hire vehicle shall report to the Council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to such private hire vehicle causing damage materially affecting the safety, performance or appearance of the Hackney Carriage or the comfort or convenience of persons carried therein. Compliance with this condition does not exempt the proprietor from his statutory liability to report accidents to the Police.
27. The driver of a private hire vehicle must inform the Council without delay about the onset or worsening of any health condition likely to cause them to be a source of danger to the public when driving either now or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, angina, "coronaries", high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug taking and loss of limb.

**THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED – THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF DISABILITIES**

Temporary conditions, other than recurrent ones, not expected to last more than three months, such as a sprained ankle or fractured arm, need not be reported.

Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

## Appendix 15

### Private Hire Law – Offences Related to Private Hire Vehicles

S.46	<p>1) It is an offence under this section to: -</p> <ul style="list-style-type: none"> <li>a) Use a Private Hire vehicle without a vehicle licence (Owner)</li> <li>b) Drive a Private Hire vehicle without a licence</li> <li>c) Employ a driver who does not have a licence</li> <li>d) Operate a vehicle without an Operators licence</li> <li>e) Operate a vehicle without a vehicle licence or without the driver having a Private Hire drivers licence</li> </ul>
S.48	<p>6) It is an offence under this section to: -</p> <ul style="list-style-type: none"> <li>a) Use, or permit to be used a licensed Private hire vehicle that does not have the plate issued by the Council correctly displayed</li> </ul>
S.49	<p>(1) It is an offence under this section to: -</p> <ul style="list-style-type: none"> <li>a) Fail to inform the Council in writing within 14 days of the name and address of the person to whom they have sold a licensed Private Hire or Hackney Carriage vehicle.</li> </ul>
S.50	<p>It is an offence under this section to: -</p> <ul style="list-style-type: none"> <li>1) Fail to present a vehicle for test at the date and time specified by the Council.</li> <li>2) If requested, fail to state in writing the address of every place where a licensed vehicle is kept when not in use and if required allow the vehicle to be inspected and tested there.</li> <li>3) Fail to inform the Council within 72 hours of any accident to a licensed vehicle causing damage materially affecting its safety, performance or appearance or the comfort or convenience of passengers.</li> <li>4) Fail to produce for inspection the vehicle licence and insurance certificate to an officer of the Council, when requested.</li> </ul>
S.53	<p>3) It is an offence under this section for a driver of a licensed vehicle to:</p> <ul style="list-style-type: none"> <li>a) Fail to produce their licence at the Council offices within 5 days if requested to by an officer of the Council.</li> <li>b) Fail to produce their licence at the Police Station within 5 days if requested to by a constable</li> </ul>
S.54	<p>(2) It is an offence under this section for a licensed driver to: -</p> <ul style="list-style-type: none"> <li>a) Fail to wear their licence badge in a <b>plainly and distinctly visible</b> position whilst working.</li> </ul>
S.56	<p>It is an offence under this section for a licensed operator to: -</p> <ul style="list-style-type: none"> <li>2) Fail to keep appropriate records of each journey, fail to produce such records when requested to by an officer of the Council or a constable.</li> <li>3) Fail to keep records as required by licence conditions, relating to each vehicle operated by him, fail to produce such records when requested to by an officer of the Council or constable.</li> <li>4) Fail to produce for inspection when requested by an officer of the Council or constable, their Operators licence.</li> </ul>
S.58	<p>2) On the expiry or suspension of a vehicle licence it is an offence to: -</p>



	a) Fail to return the licence plate of the vehicle within 7 days of the service of a notice.
S.64	1) It is an offence under this section for any person to cause any vehicle other than a Hackney Carriage to wait on a Hackney Carriage rank
S.66	1) It is an offence under this section, if a person uses a Hackney Carriage as a Private Hire vehicle, to charge at a greater rate than that provided for in the table of fares and the journey shall be calculated from the point at which the hirer was picked up.
S.67	1) It is an offence under this section, if a person uses a Hackney Carriage as a Private Hire vehicle, to charge at a greater rate than that provided for in the table of fares and the journey shall be calculated from the point at which the hirer was picked up.
S.69	1) It is an offence under this section for a Hackney Carriage to: - Unnecessarily prolong, in distance or time a passenger hiring.
S.71	(1) It is an offence under this section to: - Use a Private Hire vehicle with a taximeter unless the meter has been tested and approved by the Council. (2) Tamper with a taximeter, alter a taximeter or allow his vehicle to be used with a meter not approved by the Council.
S.73	(1) It is an offence under this section to: - a) Obstruct an officer of the Council or constable. b) Fail to comply with a request of an officer or constable. c) Fail to give an officer or constable information or assistance to allow him to carry out his function. (2) If any person gives false statement relating to a, b or c above, he shall be guilty of an offence.

## Appendix 16

### Hackney Law - Offences relating to Hackney Carriages

S.44	It is an offence under this section for the proprietor of a Hackney Carriage to fail to notify the Council of any change of abode
S.45	It is an offence under this section to ply for hire without a Hackney Carriage licence or not to display the licence number
S.52	This section requires the number of persons to be carried marked on the vehicle. If the vehicle is not so marked or the driver refuses to carry that number or less an offence is committed.
S.53	It is an offence under this section for the driver of a Hackney Carriage stood at a taxi rank to refuse to drive to any place within the Borough.
S.54	It is an offence under this section for more than the sum agreed to be demanded.
S.55	It is an offence under this section to accept, even by agreement, more than the legal fare for the journey.
S.56	It is an offence under this section, where it has been agreed to carry a passenger a distance for a fixed fee, to fail to carry the passenger for that distance.
S.59	It is an offence under this section to allow passengers to ride in the vehicle without the consent of the person who has hired the vehicle.
S.60	It is an offence under this section for an authorised person to drive or to allow an unauthorised person to drive a Hackney Carriage
S.61	It is an offence under this section for the driver of a Hackney Carriage to be drunk whilst driving or to injure or endanger any person.
S.62	It is an offence under this section for the driver of a Hackney Carriage to leave his vehicle in the street without someone proper to take care of it.
S.64	It is an offence under this section for a driver to obstruct another driver.

## **Appendix 17**

### **Hackney Carriage Conditions of Fitness**

In the Council's view this policy is compatible with the rights and freedoms under the European Convention and Human Rights. This policy aims to provide guidance to all parties with an interest in hackney carriage vehicle licensing thereby providing transparency and consistency.

In this document the 'Council' means Burnley Borough Council (BBC)

In this document the term "approved" or "approved by BBC" means approved by Burnley Borough Council.

A 'licence' and 'licensed' (and cognate expressions) refer to the granting of a licence by BBC under section 37 of the Town Police Clauses Act 1847 and section 47 of the Local Government (Miscellaneous Provisions Act 1976)

The Conditions of Fitness (CoF) in this document set out the conditions of fitness that must be met by any Hackney Carriage vehicle to be licensed as such in Burnley. BBC reserves the right to amend the COF should there be situations which require it, such as amendments to national or international laws with respect to road vehicles or air quality.

These may include for example, changes arising from disability legislation or the implementation of European emissions and air quality laws or changes to taxi licensing legislation.

No vehicle will be licensed as a hackney carriage vehicle unless it is fit for purpose and conforms to the requirements in this document unless the Council exempts a vehicle from those requirements after a request by an applicant and where, having regard to the exceptional circumstances it considers it reasonable to do so.

#### **Procedure to be followed by manufacturers and proprietors who wish to licence for the first time a vehicle (not previously licensed) as a hackney carriage in Burnley.**

1. Approval for new vehicles that may be suitable to be licensed as a Hackney Carriage vehicle in Burnley

**1.1** Consideration for the approval of a new type of vehicle that may be suitable to be licensed as a Hackney Carriage vehicle must be made in writing to BBC and must be accompanied by documentary evidence that it complies in all respects with the following:

- i. All respects of the requirements of the Motor Vehicle (Type Approval) Regulations 1980
- ii. The Motor Vehicle (Type Approval) Regulations (Great Britain 1984)
- iii. The Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable.
- iv. The Road Vehicles (Construction and Use) Regulations 1986 (C & U).
- v. All respects of British and European vehicle regulations and be "type approved" to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended.
- vi. Note: If a vehicle has not been "type approved" to the M1 category (e.g. conversions) approved certification be provided that confirms that the specific vehicle meets the requirements of that category
- vii. The vehicle must be able to facilitate the carriage of disabled persons and of accommodating a disabled person in a wheelchair (as stipulated in section 14 of CoF ) in the passenger compartment.

**1.2** Maximum and minimum age of vehicles please refer to 3a of the CoF

**1.3** Vehicles will be allocated an appointment date and time for an inspection to be carried out by BBC or their approved agent. If the vehicle conforms to the approved type a 'certificate of approval' will be issued by or on behalf of BBC.

**1.4 Alterations and Modifications following vehicle approval inspection**– a request in writing fully specifying the proposed alterations /modifications to the approved vehicle must be made in writing to BBC. Prior written approval from BBC for the specified alterations/modifications must be obtained prior to any work being carried out on the vehicle.

**1.5 Renewal of vehicle licence** –the approved vehicle may be renewed in line with the normal renewal application process

#### Index to terminology

\*DfT reference wheelchair – is the standard size set by DfT detailed within the ‘Public Service Vehicle Accessibility regulations 2000 guidance

\*\*Squab – refers to the seat cushion the passenger sits on. The measurement is taken from the centre of the seat cushion outwards into the vehicle to ensure enough distance between facing seats to accommodate a seated person (room for knees)

General Construction	
<b>1</b>	<b>The vehicle will comply with:</b>
a	All respects of the requirements of the Motor Vehicle (Type Approval) Regulations 1980
b	The Motor Vehicle (Type Approval) Regulations (Great Britain 1984)
c	The Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable.
d	The Road Vehicles (Construction and Use) Regulations 1986 (C & U).
e	All respects of British and European vehicle regulations and be “type approved” to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended.
f	Note: If a vehicle has not been “type approved” to the M1 category (e.g., conversions) approved certification must be provided that confirming that the specific vehicle meets the requirements of that category
<b>2</b>	<b>Radio Apparatus</b>
	The vehicle must be able to facilitate the carriage of disabled persons and of accommodating a disabled person in a *DfT reference wheelchair in the passenger compartment 3 a
<b>3</b>	<b>Maximum Age of Vehicles</b>
a	The vehicle must comply with Burnley Borough Council age/ emissions policy. (The Committee will give consideration to retention or amendment of the current age policy and to the introduction of a suitable emissions policy)
<b>4</b>	<b>Steering</b>
a	The steering wheel must be on the offside of the vehicle
<b>5</b>	<b>Modifications/Additional Equipment</b>
a	No equipment and or fittings, other than those approved may be attached to, or carried on the inside or outside of, the vehicle
b	No modifications may be carried out to the vehicle without prior written approval of the Council. Written proposals for any vehicle modification should include appropriate information from the vehicle manufacturer that the modification can be accomplished without compromising the vehicle specification
<b>6</b>	<b>Tyres</b>
a	Vehicles must have tyres that comply with the relevant legislation Specifically, re-tread tyres must comply with BS AU 144E as amended and be marked accordingly.
b	Tyres should be of the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer.
<b>7</b>	<b>Brakes</b>
a	The vehicle must have an anti-lock braking system fitted

<b>8</b>	<b>Interior Lighting</b>
a	The vehicle must be fitted with adequate lighting for the driver and passengers
b	The vehicle must be fitted with separate lighting controls for both passenger and driver.
c	The vehicle passenger compartment will have an illuminated control switch fitted, which is within reach of wheelchair passengers
d	The vehicle should have lighting provided at floor level to each passenger door, which is activated by the opening of the doors
<b>9</b>	<b>Electrical Equipment</b>
a	Any additional electrical installation and/or after-market components, used within the vehicle, must meet the requirements of the relevant Automotive Electro Magnetic Compatibility (EMC) Directive, as amended, and be marked accordingly.
<b>10</b>	<b>Fuel Systems</b>
a	The vehicle must have a device provided whereby the supply of fuel to the engine may be immediately cut off.
b	If a manually operated device is fitted, the location together with the means of operation and "off" position must be clearly marked on the outside of the vehicle? In the case of a vehicle fitted with an automatic inertia fuel cut off switch, no markings are required.
c	Where the engine is powered by liquid petroleum gas (LPG), compressed natural gas (CNG), liquid natural gas (LNG), petrol or any combination of these fuels, the vehicle must be fitted with an automatic inertia fuel cut off device.
d	The vehicle must have a manually operated fuel cut off device externally mounted which is easily visible and readily accessible at all times from the outside of the vehicle with its location and means of operation clearly marked
e	Where a conversion to LPG has been undertaken 'post' manufacturing the Council will only licence such vehicles where the applicant is able to produce an LP Gas Association Conversion Certificate in relation to the vehicle. (photocopies will not be accepted) In all cases any certificate of insurance produced in support of an application must indicate that the vehicle is insured to run on LPG
<b>11</b>	<b>Exhaust Emission Standards</b>
a	When a vehicle is first licensed (including a replacement vehicle) it is expected to meet (and maintain) the current or immediate previous Euro emission standard. This standard must b
<b>12</b>	<b>Body</b>
a	The body must be on the fixed head type with a partially glazed partition separating the driver from the passenger
b	The overall length must not exceed 5 metres. This is essential for determining the size of taxi ranks, other pickup points and for the free access and flow of other vehicles.
<b>13</b>	<b>Facilities for the Disabled</b>
a	Every taxi must be equipped to approved standards in order that wheelchair passengers may be carried.
b	The vehicle must have <ul style="list-style-type: none"> <li>i. anchorages provided for wheelchair tie downs and the wheelchair passenger restraint</li> <li>ii. anchorages that are either chassis or floor linked and capable of withstanding approved dynamic or static tests</li> <li>iii. anchorage restraints for wheelchair and occupant independent of each other</li> <li>iv. anchorages provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment</li> <li>v. anchorages and restraints designed so that they do not cause any danger to other passengers</li> </ul>
c	The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm and have a minimum angle of a hinged door when opened must be 90 degrees
d	The clear height of the doorway must not be less than 1.2 metres

e	Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour
f	The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements: <ul style="list-style-type: none"> <li>i. be not more than 380mm from the ground, (measured at the centre of the tread width)</li> <li>ii. the surface shall be covered in a slip-resistance material have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering</li> </ul>
g	Should any entrance be more than 380mm from the ground, an external interim step must be available when the associated passenger door is opened and comply with the following requirements <ul style="list-style-type: none"> <li>i. not be more than 380mm in height from the ground, (measured at the centre of the step width)</li> <li>ii. be not less than 250mm deep</li> <li>iii. the surface shall be covered in a slip-resistant material</li> <li>iv. have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering</li> <li>v. not be capable of being operation whilst the vehicle is in motion</li> <li>vi. if automatic or powered be fitted with a safety device, which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction if that motion could cause injury to the passenger</li> <li>vii. can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is folded or retracted</li> </ul>
h	Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level
i	Where all seats are place facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each **seat squab, measured along a horizontal plane at the centre of the cushion
j	A ramp for the loading of a wheelchair and occupant, which is available at all times for use, as a minimum, at the nearside passenger door. The ramp must have a safety lip, be 70cm wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely away when not in use.
<b>14</b>	<b>Passenger Comfort</b>
a	When fitted, occasional seats must be at least 40cm in width and the distance from the back of the upholstery to the front edge of the seat must not be less than 35.5cm
b	Occasional seats must be so arranged as to rise automatically when not in use. They must be placed at least 4cm apart. When not in use, they must not obstruct doorways.
c	Suitable means must be provided to assist persons to rise from the rear seat, with particular attention to the needs of the elderly and disabled.
d	The rear seat dimensions must be adequate to carry the appropriate number of adult passengers comfortably
e	Lap and diagonal seatbelts must be fitted on all seats (including rear facing seats)
f	Head restraints must be fitted to all (forward and rear facing seats. The design of headrests should maximise the rear sightedness for the driver when any of the passenger seats are not occupied.
g	An induction loop system (or equivalent) must be fitted.
<b>15</b>	<b>Drivers Compartment</b>
a	The driver's compartment should be designed so that the driver has adequate room, can easily reach, and quickly operate, the controls.

b	Controls should be placed to allow reasonable access to the driver's seat, when centrally placed, and be properly protected from contact with luggage
c	The vehicle must be provided with an approved means of communication between the passenger and the driver. If a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5cm
d	Where a single-piece partition is fitted, a facility must be provided for making payment to the driver
e	The headrests should maximise rear sightlines for the driver, when any of the passenger seats are not occupied.
f	The vehicle must have an adequate heating and ventilation system provided for the driver and passengers and an independent control by the driver and for the passengers all switches must be within easy reach of seated passengers, including those in wheelchairs
<b>16</b>	<b>Driver Visibility</b>
a	The vehicle should be fitted with a single piece, full-width, rear window
<b>17</b>	<b>Passenger Visibility</b>
a	The windows should maximise passenger visibility into and out of the vehicle. The top of the window line for front and side windows, when measured vertically to the top of the visible portion of the glass, must not be less than 780mm on any glass panel forward of or beside the seated passenger. The vertical distance is to be measured through the E point as defined in Directive 77/649/EEC, from the top of the uncompressed rear forward facing passenger seat cushion to the first point of totally obscured glass. Manufacturers are to declare conformity to this condition by way of a drawing. The bottom of the window area in the passenger compartment
b	Windows must permit maximum visibility into and out of the vehicle. They must have a light no more than 25% tint value
c	Windows must be capable of being opened easily by passengers, including those in wheelchairs, when seated. The control for opening a window must be clearly identified to prevent being mistaken for any other control
d	A proportion of the window area in the passenger compartment must be able to be opened by the passenger
<b>18</b>	<b>Heating and Ventilation</b>
a	An adequate heating and ventilation system must be provided for the driver and passengers and means provided for independent control by the driver and the passengers. All switches must be within easy reach of seated passengers, including those in wheelchairs.
<b>19</b>	<b>Door Fittings</b>
a	An approved type of automatic door securing device must be fitted to passenger doors to prevent them from being opened when the vehicle is in motion. When the vehicle is stationary the passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of a latch mechanism. The door must not open from the inside if the driver has the foot brake depressed. The interior door handle must be clearly identified to prevent it being mistaken for any other control.
<b>20</b>	<b>Fare Table</b>
a	A frame must be provided for the fare table fixed in an approved place
<b>21</b>	<b>Floor Covering</b>
a	The floor of the passenger compartment must be covered with a slip resistant material, which can be easily cleaned. The floor covering must not impede the movement of wheelchairs. The colour of the floor must contrast with any up-stand areas around it and with the colour of the seats.
<b>22</b>	<b>Luggage</b>
a	Suitable dedicated provision for the secure carriage of luggage should be made, separated from the passenger compartment and proportionate to the number of passengers carried.
<b>23</b>	<b>Taxi Sign</b>

a	The vehicle must display a "Taxi" sign, approved by the Council which can be clearly visible both by day and night when the taxi is available for hire
<b>24</b>	<b>Radio Apparatus</b>
a	The vehicle must be suitable for the fitting of radio equipment NB. The equipment fitted must have been approved by the council



## Appendix 18 HMRC Tax Check

What you need to do will depend on whether you're applying for a licence for the first time or whether you're making a subsequent application, such as renewing a licence.

**Getting a new licence:** If you are applying for a licence for the first time, you will not need to complete the tax check. However, you will need to read HMRC guidance on what you need to do to be properly registered for tax in the future and you'll need to confirm you have done this. To access this guidance, please visit:

[Confirm your tax responsibilities when applying for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/confirm-your-tax-responsibilities-when-applying-for-a-taxi-private-hire-or-scrap-metal-licence)

**Renewing a licence:** If you renew or apply for a subsequent licence with a different local authority, you'll have to do a tax check. You'll be able to do this online through a digital service.

For guidance on the tax checks, please visit:

[Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence)

## Appendix 19

### A Guide to Hackney Carriage and Private Hire Driver's 3 Year Licence Applications

Applications are subject to the following pre-application requirements This includes a requirement for refresher safeguarding training, a refresher Safer Cabbying assessment and a HMRC tax check, or for new applicants, confirmation that you understand the HMRC tax requirements. You must submit the following information with your new or renewal driver application

- A fully completed application form
- Evidence of age (You must be over 21)
- Evidence of a valid DVLA driver licence, held for at least 12 months
- Evidence that you have successfully complete the Council's approved online Safeguarding Awareness Training or refresher course
- Evidence that you have successfully passed the Council's face to face Safer Cabbying assessment in the period leading up to application
- HMRC Tax check code
- Enhanced DBS check, and evidence of sign up to the DBS Update Service ie DBS reference code
- A new medical certificate
- 1 passport size photograph of yourself
- Proof of your right to work in the UK

Applications will not be accepted until all the above information is provided.

**Please visit our website for the most up to date application form.**

Please apply in good time, as when your current licence expires you will not be able to drive until a renewal licence is granted.

In order to make an appointment to submit your driver application, please telephone 01282 425011 or email: [licensing@burnley.gov.uk](mailto:licensing@burnley.gov.uk) or in person at the Contact Centre, Parker Lane, Burnley, BB11 2BY.

**TESTS MUST BE BOOKED TWO MONTHS BEFORE YOU INTEND TO MAKE YOUR APPLICATION.**

Booking information is here:

- Safeguarding Awareness Training course:

<https://www.trybooking.co.uk/BAIK>

Payment is by credit or debit card direct to the provider.

Please note that in the event you do not attend the payment is non-refundable.

- Face-to-Face Safer Cabbying assessments including refreshers

- 1) Make payment for a test online: [Making a Taxi Licensing Payment - burnley.gov.uk](#)
- 2) We will use the phone number you provide to get in touch to arrange a test appointment
- 3) Test will be completed at Contact Burnley, Parker Lane, Burnley
- 4) Results will be emailed to you
- 5) The email confirming you have passed should then be included in your application pack.

Further information:

Completion of the application form:

- The application form must be completed in full.
- It includes a question as to whether you have any convictions, cautions, reprimands or warnings recorded against you for any offence, including endorsable fixed penalty tickets, motoring offences and penalty points. If you answered **YES** to the above question you must enter details in the section on the next page of the application form. Failure to declare any of the above matters, **NO MATTER HOW OLD THEY ARE**, is an offence and is likely to result in prosecution and subsequent refusal of your application.

**Note:** Notwithstanding the provisions of the Rehabilitation of Offenders Act 1974, spent convictions or cautions are, by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 disclosable for the purposes of this application unless they have been defined by the 1975 Order as being “protected”.

A copy of the 1975 Order can be downloaded free of charge at:

[www.legislation.gov.uk](http://www.legislation.gov.uk)

“IF ANY PERSON KNOWINGLY OR RECKLESSLY MAKES A FALSE STATEMENT OR OMITTS ANY MATERIAL PARTICULAR IN GIVING THE FOLLOWING INFORMATION HE SHALL, UNDER SECTION 57 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PART II, BE GUILTY OF AN OFFENCE”.

- Private Hire driver forms must be endorsed with the stamp of the licensed operator who will hire the vehicle.

#### **Safer Cabbying assessment:**

- Drivers need to complete the face-to-face Safer Cabbying assessment at every 3 years or at renewal whichever applies.
- Any driver who passed the online Knowledge test will also need to complete and pass the face-to-face Safer Cabbying assessment on the next renewal of the annual licence. A licence will then be issued that expires on the same date as the medical.
- The test will involve you being required to have a good knowledge of the Highway Code as well as being familiar with various locations and routes to key destinations such as hospitals, entertainment venues etc. You must also understand the requirements placed on you by the law and by the conditions that are attached to hackney carriage/private hire driver’s licences.
- A practice test to familiarise you with the format of the test is available online. As are examples of the licence conditions and a summary of the legislation, which you should familiarise yourself with prior to the test. They can be found on the taxi pages of the Councils website here:

[Safer Cabbying - burnley.gov.uk](http://burnley.gov.uk)

**MEDICALS:**

- A medical form should be completed by your registered GP certifying that you are fit to drive.
- Only where your registered GP does not provide this service, are you permitted to contact an agency Doctor, who is registered with the GMC, and qualified to provide Group 2 medicals.

**DBS:**

- An enhanced DBS should be arranged with Taxi Plus. Contact details of Taxi Plus are: [www.taxiplus.co.uk](http://www.taxiplus.co.uk)

They will submit your DBS application to the Data and Barring Service electronically. Burnley Council has a dedicated page on the Taxi Plus website. Here you will find guidance on how to pay online for your DBS check and how to begin the application process.

Information also includes details of the DBS update service subscriptions which must be completed either at the time you apply for a DBS certificate or 28 days after the date of issue of the certificate. You will be provided with a reference to show you subscribe to the update service and you will need this reference to include on your application form.

The following link can be used to arrange DBS Update Service Subscription:  
<https://secure.crbonline.gov.uk/crsc/apply?execution=e4s1>

The update service is only available for enhanced DBS certificates. As part of the application process, you will need to have your identity documents verified. At the present time this can only be done by providing copies or good quality images of your identification documents directly to Taxi Plus free of charge. Your Enhanced DBS certificate will then be processed. Once it is completed it will be posted to your home address.

- Once you have received your DBS certificate you should include it in your application pack and insert the DBS update service reference number onto the application form.

NB: By applying for a licence you will be consenting to a DBS review being carried out every 6 months.

**Right to Work:**

A licence will not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued will expire when the right to work expires and will become invalid when a licence holder ceases to be entitled to work in the UK. Applicants

must demonstrate that you have the right to work in the UK and are not subject to a condition preventing you from doing work relating to the carrying on of a licensable activity.

You can do this in one of two ways:

- 1) by bringing with you original documents (as determined by the Home Office) which will be copied and scanned onto our system that demonstrates your entitlement to work in the UK.
- 2) by providing your '**share code**' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

### **Home Office online right to work checking service.**

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at: <https://www.gov.uk/prove-right-to-work> ) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally.

The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office.

We are unable to process taxi licence applications until such time as you are able to prove your right to work. The documents you can use to demonstrate your right to work are listed in the Right to Work Appendix guidance.

### **DVLA Checks:**

- By applying for a driver licence you will be consenting to your details being used to carry out DVLA checks every 12 months.

### **HMRC Tax Checks:**

- First time applicants will need to sign to say they understand the tax requirements.

Further information on this, can be found here:

[Confirm your tax responsibilities when applying for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/confirm-your-tax-responsibilities-when-applying-for-a-taxi-private-hire-or-scrap-metal-licence)

- If you have held a taxi driver or operator's licence with any licensing authority within the last 12 months will need to complete a tax check and include the code on your application form.

Further information on tax checks can be found here:

[Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence)

Payment:

- Please see [Appendix 13 on How to Pay](#)
- Payment information is also on the council's website here: [Making a Taxi Licensing Payment - burnley.gov.uk](https://www.burnley.gov.uk/making-a-taxi-licensing-payment)

#### **DECISION MAKING:**

The information submitted will be considered and applications granted in line with our fitness and propriety requirements which include the convictions policy available on the taxi pages of the Council's website.

#### **PLEASE NOTE:**

Licences normally last for 3 years, expiring 3 years from the date of the medical. There are some special circumstances where 12 month licences will be issued, eg medical issues.

At 3 year renewal Medicals, Safer Cabbying assessments, Safeguarding training, right to work and tax checks should be refreshed.

This means that once a licence is granted you will not normally be required to attend the Contact Centre until your licence is due for renewal.

In determining whether a person is a fit and proper person to hold a licence, in the interest of protecting the public, the Council share information with other local authorities registered with the National Anti-Fraud Network (NAFN).

This database includes the National Register of Taxi/Private Hire Licence Refusals & Revocations (NR3).

It should also be understood by any individual considering applying for a new Hackney Carriage or Private Hire Driver's licence or renewal, that Authorised Officers will conduct enforcement activities to identify non-compliance with licensing conditions and/or unlawful activity.

## Appendix 20 Private Hire Operator Licence Applications

**Applications received on or after 4<sup>th</sup> April 2022 are subject to a new pre application requirement to provide a HMRC Tax Check at renewal, or for new applicants confirmation you understand the HMRC Tax responsibilities.**

You must submit the following information with your new or renewal operator application

- A fully completed application form
- HMRC Tax check code
- Enhanced DBS check, and evidence of sign up to the DBS Update Service ie DBS reference code (unless a current driver licence is already held with Burnley Council)
- Proof of your right to work in the UK
- Proof of planning permission for the address where the business is to operate from. If the premises are to operate as a base, the planning permission will include details of parking provision arrangements for the number of vehicles intended to be used under the terms of the Operator's licence.
- Proof of holding a radio transmission licence (and planning permission for any aerial) if such radios are used by the Operator.
- A current and original insurance document for Employees/Public Liability cover. This cover must be in place when Operators are employing any full or part-time staff (e.g. radio operator, dispatcher or drivers etc).
- A passport size photograph

**Applications will not be accepted until all the above information is provided. Please apply in good time. When your current licence expires you will not be able to operate PH vehicles until a renewal licence is granted.**

In order to make an appointment to submit an operator application, please contact the Taxi Licensing Team either by telephone 01282 425011 or email [licensing@burnley.gov.uk](mailto:licensing@burnley.gov.uk) or in person at the Contact Centre, Parker Lane, Burnley, BB11 2BY. (Vehicle applications should still be made via the drop box)

Further information:

**Completion of the application form:**

- The application form must be completed in full.

- The Operator name must be unique, and limited to 20 characters.
- The name to be used on front door signage must be provided.
- It includes questions relating to previous licence refusals and revocations and whether you have any convictions, cautions, reprimands or warnings recorded against you for any offence, including endorsable fixed penalty tickets, motoring offences and penalty points.

If you answer YES to the above questions you **must** enter details in the relevant section on the application form.

Failure to declare any of the above matters, **NO MATTER HOW OLD THEY ARE**, is an offence and is likely to result in prosecution and subsequent refusal of your application.

**Note:** Notwithstanding the provisions of the Rehabilitation of Offenders Act 1974, spent convictions or cautions are, by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 disclosable for the purposes of this application unless they have been defined by the 1975 Order as being “protected”

A copy of the 1975 Order can be downloaded free of charge at [www.legislation.gov.uk](http://www.legislation.gov.uk)

**“IF ANY PERSON KNOWINGLY OR RECKLESSLY MAKES A FALSE STATEMENT OR OMITTS ANY MATERIAL PARTICULAR IN GIVING THE FOLLOWING INFORMATION HE SHALL, UNDER SECTION 57 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PART II, BE GUILTY OF AN OFFENCE”.**

### Planning Approvals:

The Operator Licence will be attached to the main business address. Where the business is also carried on from satellite premises those addresses should be provided. Details of planning approval for all premises to be used as either a call centre or base should be provided. Any changes to the off-street parking arrangements at bases should be subject to a variation in planning consent. Planning consent will determine the number of vehicles permitted on the operator licence. The satellite addresses will appear as `Additional Conditions` on the Operator Licence.

### DBS:

- Where required, an enhanced DBS should be arranged with Taxi Plus. Contact details of Taxi Plus are [www.taxiplus.co.uk](http://www.taxiplus.co.uk) They will submit your DBS application to the Data and Barring Service electronically.

Burnley Council has a dedicated page on the Taxi Plus website.

Here you will find guidance on how to pay online for your DBS check and how to begin the application process. Information also includes details of the DBS update service subscriptions which must be completed either at the time you apply for a DBS certificate or 28 days after the date of issue of the certificate. You will be provided with a reference to show you subscribe to the update service and you will need this reference to include on your application form.



The following link can be used to arrange DBS Update Service Subscription:

<https://secure.crbonline.gov.uk/crsc/apply?execution=e4s1>

The update service is only available for enhanced DBS certificates.

As part of the application process, you will need to have your identity documents verified.

At the present time this can only be done by providing copies or good quality images of your identification documents directly to Taxi Plus free of charge. Your Enhanced DBS certificate will then be processed. Once it is completed it will be posted to your home address.

Once you have received your DBS certificate you should include it in your application pack and insert the DBS update service reference number onto the application form.

NB: By applying for a licence, you will be consenting to a DBS review being carried out every 12 months.

### **Right to Work:**

A licence will not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued will expire when the right to work expires and will become invalid when a licence holder ceases to be entitled to work in the UK.

Applicants must demonstrate that you have the right to work in the UK and are not subject to a condition preventing you from doing work relating to the carrying on of a licensable activity.

You can do this in one of two ways:

1) by bringing with you an original document (as determined by the Home Office) A which will be copied and scanned onto our system that demonstrates your entitlement to work in the UK.

2) by providing your 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

#### Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 'share code' (provided to them upon accessing the service at: <https://www.gov.uk/prove-right-to-work> which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office.

We are unable to process taxi licence applications until such time as you are able to prove your right to work. The documents you can use to demonstrate your right to work are listed on the Operator's Licence application form.

**Please see [Appendix 11](#)**

#### **HMRC Tax Checks:**

- First time applicants will need to sign to say they understand the tax requirements, but if you have held a taxi driver or operator's licence with any licensing authority within the last 12 months will need to complete a tax check and include the code on your application form.

**Please see [Appendix 18](#)**

- Further information on tax checks can be found here

<https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence>

#### **Payment:**

**Please see [Appendix 13](#) for How to Pay**

#### **DECISION MAKING:**

The information submitted will be considered and applications granted in line with our fitness and propriety requirements which include the convictions policy available on the taxi pages of the Council's website.

## **Appendix 21**

### **Private Hire Operator - Pre-Licence Conditions**

PRE\_LICENCE CONDITIONS RELATING TO PRIVATE HIRE OPERATOR'S LICENCE MADE UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (The Act)

#### Interpretation

In these pre licence conditions:-

- (a) "The Council" means Burnley Borough Council.
- (b) "the Operator" means the person to whom the Council grants a Private Hire Operators Licence to which these conditions will apply. In the case of a partnership to each of the partners. In the case of a company to each of the company directors.
- (c) Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

#### REQUIREMENTS TO BE IN PLACE AT THE TIME OF THE APPLICATION TO BE MAINTAINED THROUGHOUT THE PERIOD OF THE LICENCE

- 1.** The Operator must carry out his business from premises within the Borough. The premises will either be a base, where the public can make personal bookings and/or vehicles will be present from time to time, or the premises will be a stand-alone call centre/office which solely handles calls and electronic communications for the purpose of booking private hire vehicles.
- 2.** The Operator is required to provide proof of planning permission for the address where the business is to operate from. If the premises are to operate as a base, the planning permission will include details of parking provision arrangements for the number of vehicles intended to be used under the terms of the Operator's licence.
- 3.** The off-street car parking shall not be used for any purpose other than the parking of private hire (and staff) vehicles and in particular not for the repair, servicing or maintenance of vehicles.
- 4.** The Operator is required to provide proof of holding a radio transmission licence (and planning permission for any aerial) if such radios are used by the Operator.
- 5.** The Operator is required to produce a current and original insurance document for Employees/Public Liability cover. This cover must be in place when Operators are employing any full or part-time staff (e.g radio operator, dispatcher or drivers etc)
- 6.** The Council will only issue a licence to operate the number of vehicles that is authorised by planning permission as per paragraph 2 above.
- 7.** The trading name to be used by the operator should be unique and limited to 20 characters in length
- 8.** The front door signage should receive the prior agreement of The Council

## Appendix 22

### Private Hire Operator Conditions

#### REQUIREMENTS TO BE IN PLACE THROUGHOUT THE PERIOD OF THE LICENCE

1. The operator's premises shall be kept clean, adequately heated, ventilated and lit, and the operator shall ensure that any public waiting areas for the use of prospective hirers shall be provided with adequate and clean seating.
2. The operator shall ensure that office staff employed by him act in a civil and orderly manner at all times.
3. The operator shall comply with any reasonable requirement of the Council or any of its authorised Officers or of a Police Officer.
4. The Operator must keep an accurate record of every booking that is accepted. Loss of records must be reported to the Licensing Authority within 24 hours and immediately to the police. The records must be kept at the business address/addresses at all times and must not be duplicated. All records must be in English and be permanent.
5. The operator shall, before the commencement of each journey, record in a manner prescribed by the Licensing Authority, the following details of each booking:
  - (i) The time and date the booking was received and, if required, any subsequent cancellation;
  - (ii) The method by which the booking was received (e.g. telephone, email, electronic application etc.);
  - (iii) The person taking the booking (or in the case of a computer system, the identity, including the site/location of where the booking was received);
  - (iv) The time and date of the journey;
  - (v) The address/premises from which the journey will commence and the address/premises of the destination;
  - (vi) The registration and plate number of the private hire vehicle that is to be used for the booking;
  - (vii) The name, badge number and call-sign of the driver of the vehicle to be used;
  - (viii) Remarks, including details of any subcontracting to another licensed operator.Each booking must be recorded consecutively in the chronological order of the time the booking was received  
If manual/paper records are used, these should be in the form of bound booklets (loose leaf ring binders are not acceptable).  
If computerised records are kept, the system used must be capable of immediately printing out details of any or all bookings on request from an Authorised Officer.
6. The Operator shall keep a record in a format approved by the Council of the following particulars of any private hire vehicle operated and displayed on the premises:

- (a) Licence plate number
  - (b) registration number
  - (c) make and model of vehicle
  - (d) name and address of owner of vehicle
7. The Licensee shall keep a record in a format approved by the Council of the following particulars of all licensed private hire vehicle drivers engaged to drive any private hire vehicle operated by him or her:
- (a) full names of the driver
  - (b) full permanent address of the driver
  - (c) Private Hire Driver's badge number
  - (d) date employment commenced
  - (e) date employment terminated.
8. The Operator shall inform the Council in writing or by email of any changes to the list of drivers being operated under the terms of his/her Operator's Licence as soon as possible and in any case within 7 days of such change.
- a. Prior to deploying any person to undertake 'booking/dispatch clerk' duties the operator shall require the person to obtain a basic Disclosure & Barring Service (DBS) basic disclosure check. The operator should determine that person to be fit and proper to undertake booking/dispatch office responsibilities.
  - b. The operator is required to notify Burnley Borough Council and Lancashire Police in writing or by email as soon as reasonably practicable, and in any case within 1 working day, of any complaints of sexual impropriety, or behaviour which may compromise the safety and welfare of children, received by them or their company about any of their drivers or other members of staff.
  - c. The operator is required to notify the Council as soon as possible of any other complaints or information received about any of their drivers or other members of staff that may undermine their fitness or propriety.
  - d. The Operator shall maintain a register of all persons employed solely to undertake the role of booking/dispatch clerk. This requirement includes dates of annual DBS reviews for as long as they remain in their employment. Their employment status i.e. full time, part time or casual staff whether paid or unpaid. Such records shall also include the employee's full name, address, date of birth and National Insurance Number together with a copy of photo identity. i.e. passport, photo driving licence.
  - e. The operator shall ensure that all records include the commencement and termination of any shift or work periods for any person acting as a booking/dispatch clerk and record his/her start and finish times and dates. Manual/paper records should include the booking/dispatch clerks signature and his/her name in the private hire booking records. Computerised private hire booking records should include the booking/dispatch clerks personal username.
  - f. The operator shall maintain written records of all passenger transfer contracts held by the company and make those records available for inspection by an authorised officer on request.

**For the purpose of these conditions a 'booking/dispatch clerk' is any person tasked by an operator to receive and/or record any private hire booking and/or deploy any private hire vehicle.**

9. The records in Conditions 4, 5, 6 & 7 above must be kept for a minimum period of twelve months following the date of the last entry.
10. The Operator shall produce all or any of the records specified in Conditions 4, 5, 6 & 7 above on request of any authorised officer of the Council, or of any Police Constable.
11. The Operator shall not operate any vehicle for private hire work which is not currently licensed as a Private Hire Vehicle by the Council.
12. The Operator shall ensure:
  - (a) that any private hire vehicle operated by him or her is in a suitable mechanical condition, safe, comfortable, clean and roadworthy.
  - (b) that the vehicle is insured at all times for the carriage of passengers for hire or reward under the terms of a private hire vehicle licence
13. The Operator shall not employ whether directly or indirectly any driver to drive any private hire vehicle unless the driver has a current Private Hire Driver's Licence granted by the Council.
14. This Licence only permits the Operator to operate private hire vehicles from the authorised premises mentioned in the Licence.
15. The Operator shall notify the Council's Licensing Team of any material change in the particulars originally supplied to the Council when this Licence was applied for within seven days.
16. The Licence is not transferable.
17. The Licence is valid until the date of expiry of this licence.
18. The Operator shall exhibit this Licence in a conspicuous position at the authorised premises and if these premises include an office habitually used by members of the public seeking to arrange the hiring of private hire vehicles shall exhibit this Licence in the office in a position where it may be easily read by members of the public calling at the office.
19. The Operator shall cause a statement of fares to be fitted and maintained in such a position in each licensed private hire vehicle and in the operator's premises to be clearly visible at all times to the hirer. The statement shall clearly show the following:
  - a. the minimum charge of each hiring (if any)
  - b. the fare tariff
  - c. the retention charge per minute or portion thereof
  - d. any additional charges.
20. The Operator shall produce this Licence on request to any authorised officer of the Council, or to any Constable for inspection.

- 21.** No operator of a private hire vehicle which is licensed by the Authority shall invite or accept a booking for such a vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking, information as to the basis of charge for the hire of the vehicle.
- 22.** The Operator will ensure that any vehicle hired shall, unless delayed or prevented by sufficient cause, punctually attend the appointed place.
- 23.** The Operator must notify the Council in writing within seven days of receiving any caution or conviction or of any arrest or impending prosecution against him/her.
- 24.** No advertising material, sign, letter headings or other stationery, or any business name shall be used by the Operator including the words "Taxi" or "Cab", whether in the singular or plural and whether they form part of another word or not, other than where those words appear in the operator's website and/or email address and/or mobile application.

## **APPENDIX 23 TAXI LICENSING ENFORCEMENT PROTOCOL**

### **1 Enforcement Policy Statement**

- 1.1 This policy is in place to:
- Protect public safety
  - Protect the commercial interests of the Borough's taxi licence holders
  - Deliver fair, consistent, transparent, accountable and proportionate regulation across the taxi service
  - Target action at those cases where it is needed.
- 1.2 The policy assists Burnley Borough Council to ensure that taxi drivers and operators provide a service to customers that is compliant with both the relevant law, and the conditions attached to the various licences.
- 1.3 All regulatory and enforcement action, be it the refusal of licences, verbal/written warnings, appearance before the Licensing Committee, use of statutory notices, suspension, revocation or prosecution, will primarily be based upon the seriousness of the breach and the possible consequences arising out of it. Regulation and enforcement action will therefore constitute a proportionate and balanced approach in order to meet a legitimate aim. It will not be unnecessarily punitive in relation to isolated minor technical contraventions of legislation or conditions.
- 1.4 Authorised officers will have regard to this policy when making enforcement decisions. Any departure from the policy must be justified and be endorsed by the Principal Licensing Officer or his/her manager before the decision is taken (unless it is considered that there is significant risk to the public in delaying the decision).
- 1.5 All regulatory actions will be recorded by the Council for future reference.
- 1.6 Enforcement Officers satisfying competency requirements will be authorised by the Head of Service (People, Law And Regulation) to take enforcement action.

### **2 Enforcement Options**

- 2.1 A consistent approach to decision making is important. To achieve and maintain consistency, the policy guidelines must be considered and followed where appropriate.
- 2.2 Licence application and enforcement decisions must always be proportionate, balanced, fair and relate to common standards, which ensure that the public is adequately protected. In reaching any decision the criteria to be considered include:
- Risk to the public
  - Safeguarding responsibilities
  - Seriousness of any breaches/offences



- Extent of any breaches/offences
- Impact of breach/offence on community
- Impact of breach/offence on trade
- Relevance of the breach/offence to enforcement priorities
- Licence holder's previous history

2.3 Having considered all relevant information and evidence, the options for action are:

- Take no further action
- Grant a licence (subject to the Council's Conditions)
- Refuse to grant/renew a licence
- Take informal action (verbal/written warnings & letters)
- Place the matter before Licensing Committee or Sub-Committee
- Use statutory notices
- Suspend a licence
- Revoke a licence
- Prosecute
- Use simple cautions

2.4 This policy document provides guidance applicable to the various options for enforcement action.

### 3 Investigation of Breaches of Licence Conditions and Offences

3.1 Alleged Breaches of Conditions will be fully investigated by Council Officers who will obtain relevant evidence to substantiate a breach before the evidence is put to the licence holder. **Investigations into Breaches of Conditions are not subject to the provisions of the Police & Criminal Evidence Act 1984 (PACE)** and so these procedures need not be applied in these circumstances. Often these contacts arise out of the regular work of officers whilst on site and are not planned. However whenever direct quotes are inserted into officers notebooks, the person making the comment will be invited to sign the book.

3.2 Where there are grounds to suspect that a criminal offences may have been committed then any investigation into those offences **are subject to PACE**. Therefore the PACE procedures will be implemented by officers in any situation where legal proceedings may arise. In circumstances where an interview is necessary the provisions of PACE will apply to any interview conducted at Council Offices or elsewhere. An "interview" is the questioning of a person regarding their involvement or suspected involvement in a criminal offence or offences. Appropriate advice will be given in advance of any interview including the licence-holders rights and any representation. Council Officers have no powers of arrest. In addition to PACE the Criminal Procedures & Investigations Act will apply in relation to any disclosure for legal proceedings.

3.3 All investigations will afford the licence holder with an opportunity to respond to an allegation made, or evidence obtained. This may be via telephone call, letter, in person, by formal interview or by Committee

hearing. Any representations received from the licence-holder will be taken into consideration when determining what enforcement action should follow. The licence holder will be informed of any action or decision arising from the investigation. Any correspondence issued to the licence-holder will clearly distinguish between those matters which are required to be implemented, and any other matters recommended for action.

#### **4 Informal Action**

4.1 Informal action will be implemented at the discretion of Officers in relation to alleged breaches/offences by licence holders. Compliance will be sought by offering advice, issuing verbal and written warnings and letters to request action.

4.2 Informal action may be appropriate in any of the following circumstances:

- Where the breach is an isolated occurrence
- Where the breach does not pose a significant risk to the safety of the public
- Where the breach has limited impact on the community or trade
- Where the breach is not serious enough to warrant more formal action
- Where the licence holder's past history indicates that informal action will achieve compliance

#### **5 Appearance before the Licensing Committee/Sub-Committee**

5.1 An applicant or licence holder may be asked to appear before the Licensing Committee or Sub-Committee in order for the Committee to determine an appropriate course of action. Referral to Committee would normally take place when:

- A licence holder is charged or is convicted of an offence during the period of a licence (except where the offence indicates a serious public safety issue)
- Officers have evidence indicating a licence holder may no longer meet the fit and proper person test
- The issue requiring decision is not covered by, or departs from, recognised policy or is controversial (including convictions/exceptional condition/age restriction/vehicle safety etc)

5.2 The Committee may decide to take one or more of the following actions:

- No further action
- Issue a written warning/instruction
- Suspend a licence - with or without immediate effect
- Revoke a licence - with or without immediate effect

#### **6 Vehicle testing, suspension and revocation- s 60 and 68 LGMPA 1976**

6.1 Where the condition of a vehicle, or the accuracy of a taximeter are suspected to be unsatisfactory an authorised officer may serve a s68

notice that requires the vehicle or the taximeter to be examined at the Council's appointed garage at a time specified in the notice.

- 6.2 The authorized officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as he is satisfied that the vehicle meets the condition of fitness, or revoke the licence.

## **7 Driver Suspension & Revocation – s61 LGMPA 76**

- 7.1 In circumstances where it is in the interests of public safety to suspend or revoke a driver's licence with immediate effect, or where mandatory training requirements have not been met, then the Scheme of Delegation authorises officers to take this decision. This decision will be taken following careful consideration of the evidence and will be reserved for matters where there is an immediate and compelling risk to the safety of the public.

- 7.1 All other suspension or revocation issues would normally be taken before Licensing Committee/Sub-Committee for decision.

- 7.3 In all circumstances a decision notice will be issued that explains the reason for the decision.

## **8 Operator Suspension & revocation – s62 LGMPA 76**

- 8.1 Operator suspensions and revocations will be determined by Licensing Committee/Sub-Committee and in all circumstances a decision notice will be issued that explains the reason for the decision.

## **9 Appeals**

- 9.1 Appeals against decisions of the Council to grant, renew, suspend or revoke a licence are provided for in legislation, and may be made to the Magistrates' Court. Wherever this provision applies information will be provided that outlines how, where and within what period an appeal may be brought and on what grounds. It will also confirm whether or not the effect of the decision is suspended pending the outcome of the appeal.

## **10 Prosecution**

- 10.1 The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Council are not followed and / or the public is put at serious risk. Such circumstances are, however, in a minority. It is important that the criteria on which a decision to prosecute is made provide common standards that ensure a consistent and proportionate approach.

- 10.2 The circumstances that are likely to warrant prosecution may be characterized by one or more of the following:

- Where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law abiding are placed at a disadvantage to those who disregard it
  - When there appears to have been reckless disregard for the safety of passengers or other road users
  - Where there have been repeated breaches of legal requirements
  - Where a particular type of offence is prevalent
  - Where a particular contravention has caused serious public alarm
- 10.3 When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a proportionate and objective decision to be made.
- 10.4 The Council's Legal team must be satisfied that there is sufficient admissible evidence that an offence has been committed by an identifiable person or company. There must be a realistic prospect of conviction and the issue of a simple caution is not an alternative when it is deemed that there is insufficient evidence to prosecute,
- 10.5 When a decision is being taken on whether to prosecute, the factors to be considered may include:
- The seriousness of the alleged offence
  - The risk of harm to the public
  - Identifiable victims
  - Failure to comply with a statutory notice served for a significant breach of legislation
  - Disregard of safety for financial reward
  - The previous history of the party concerned
  - Offences following a history of similar offences
  - Failure to respond positively to past warnings
  - The ability of any important witnesses and their willingness to cooperate
  - The willingness of the party to prevent a recurrence of the problem
  - The probable public benefits of a prosecution and the importance of the case e.g. whether it might establish a legal precedent. (As indicated above, advice on the public interest is contained in the Code for Crown Prosecutors. The general thrust of the advice contained therein is that, the graver the offence, the less likelihood there will be that the public interest will allow anything other than a prosecution)
  - Whether other action, such as issuing a simple caution in accordance with the Home Office Circular 18/1994 would be more appropriate or effective

## **11 Simple Cautions**

- 11.1 A simple caution may be used as an alternative to a prosecution in certain circumstances.

- 11.2 Home Office Circular 18/1994 states that the purposes of the simple caution are:
- To deal quickly and simply with less serious offences
  - To divert less serious offences away from the Courts
  - To reduce the chances of repeat offences
- 11.3 To safeguard the suspected offender's interests, the following conditions should be fulfilled before a caution is administered.
- There must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction
  - The suspected offender must admit the offence
  - The suspected offender must understand the significance of a simple caution and give informed consent to being cautioned
- 11.4 If there is insufficient evidence to consider taking a prosecution, then by implication, the criteria is not satisfied for the use of a simple caution. A simple caution should also not be used where the suspected offender does not make a clear and reliable admission of the offence. (It should be noted that there is no legal obligation for any person to accept the offer of a simple caution and no pressure should be applied to the person to accept a caution).
- 11.5 Simple cautions must be used in accordance with the Home Office Circular and may only be issued by a Burnley Borough Council Solicitor.
- 11.6 Where a person declines the offer of a simple caution, it will be necessary to consider taking alternative enforcement action. Whilst this will probably mean prosecution, this is not necessarily inevitable. For example, it may be considered that a written warning would be appropriate.

## APPENDIX 24

### **Policy in respect of requests for information, disclosure of information and use of information as a result of an entry on the National Register of Taxi Licence Revocation and Refusals (known as NR3)**

#### **1. Overarching principles**

- a. This policy covers the use that Burnley Borough Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3).
- b. In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.
- c. The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers' licence. This information is important in the context of a subsequent application to another Authority for a drivers' licence by a person who has had their licence refused or revoked in the past.
- d. Burnley Borough Council has signed up to the NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, that information will be placed upon the register.
- e. When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, we will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details. Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, deciding, notifying the applicant of the outcome of that decision, and the appeal processes. For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application, except where an appeal is lodged.

- f. Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated.
- g. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.
- h. The data will be held securely in accordance with this Authority's general policy on secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with the Authority's general policy on the erasure and destruction of personal data.

## **2. Making a request for further information regarding and entry on NR3**

- a. When an application is made to Burnley Borough Council for the grant of a new, or renewal of, a taxi driver's licence, this authority will check the NR3. We will make and then retain a clear written record of every search that is made of the register. This will detail:
  - the date of the search.
  - the name or names searched
  - the reason for the search (new application or renewal)
  - the results of the search; and
  - the use made of the results of the search (this information will be entered to the register later).

This record will not be combined with any other records (i.e., combined with a register of licences granted) and will be retained for the retention period of 25 years.

- b. If Burnley Borough Council discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's data protection policy in relation to the use of any data that is obtained because of this process. This request will be made in writing. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

### **3. Responding to a request made for further information regarding an entry on NR3**

- a. When this Authority receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e., combined with a register of licences granted) and will be retained for the retention period of 25 years. We will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.
- b. The Authority will conduct a Data Protection Impact Assessment. This will consider how the other Authority (the second Authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second Authority has adopted a policy like this, that should be a reasonably straightforward process. If Burnley Borough Council is satisfied that the other Authority's (the 2nd Authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function. Any disclosure must be considered and proportionate, considering the data subjects' rights and the position and responsibilities of a taxi driver.
- c. Data is held on the NR3 register for a period of 25 years, but Burnley Borough Council (the 1st Authority) will not disclose information relating to every entry. Each application will be considered on its own merits. This Authority will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within its Guidance on Relevance of Convictions.
- d. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in Appendix 12) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in Appendix 12) outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.
- e. Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the Authority by an enactment or rule of law.



- f. The officer will record what action was taken and why. The Authority will make and then retain a clear written record of every decision that is made as a result of a request from another Authority. This will detail:
- the date the request was received
  - how the data protection impact assessment was conducted and its conclusions
    - the name or names searched
    - whether any information was provided
    - if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
    - if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and how and when the decision (and any information) was communicated to the requesting authority.

#### **4. Using any information obtained as a result of a request to another Authority**

When the Authority receives information as a result of a request that has been made to another Authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications; assessment will take place against the Authority's definition of fit & proper person. This Authority will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above). Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this Authority will make in relation to the application.

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